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PRO NIHILO:

THE PRELUDE TO THE ARNIM TRIAL.

FIRST PART.

"Il faut en tout dialogue et discours qu'on puisse dire: De quoi vous plaignez-vous?"—*Pascal.*

"That trick of State was a deep envious one!"

Henry VIII.

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PREFACE.

SOME delay has occurred in the publication of these pages through deference to objections on the part of several persons who entertained doubts as to its opportuneness.

These objections were principally made by members of the former Conservative party, who relied upon Prince Bismarck's seceding from the National-Liberal Party and once more seeking support among the Conservatives.

Those gentlemen maintained that the negotiations with Herren von Blankenburg and Wagner, the endeavours of Herr von Wedell-Malchow, the occurrences at the election in Lauenburg, and various other matters of smaller notoriety left no room for doubting the sincerity of the Imperial Chancellor; his antipathy to the leaders of the National-Liberal party being, they said, a well-known fact. To many the sentiments had

been communicated which the Imperial Chancellor, at the conclusion of a dinner party, had expressed against Lasker to several members of the Conservative party. It was likewise patent that the attacks of Prince Putbus on Lasker resulted from the Imperial Chancellor's own prompting; and it was equally a fact that the Imperial Chancellor had in confidential circles stigmatised the famous May Laws as an act of folly.

It is of course possible that Prince Bismarck may once more join the Conservative party. His contemporaries have witnessed the readiness with which he changes front, and kicks from under his feet the ladder he has climbed. Neither must it be denied that the Imperial Chancellor is still capable, maybe, of rallying around himself the remnants of the Conservative party and of putting to account their votes against the Liberals.

But in case the Conservative party should only be possessed of vitality when its whole programme is summed up in the name of Bismarck, when its political cultus is naught but Pan-Bismarckism, it will do well to resist all attempts at resuscitation, and once and for ever to abdicate. Of such things as the Conservative party was at one time anxious to secure nothing can now be saved. To protect property against the revolution no specific Conservative party is needed.

The only worthy task left perchance, for the Con-

servative party to accomplish would be the reconquering of liberty.

To think of doing this under the leadership of "Duke" Bismarck would be absurd.

We cannot therefore allow ourselves to be deterred from the publication of this book out of consideration for the immature and inane aspirations of certain persons of Conservative proclivities.

Another reason entitled to notice, and which, as such, has consequently added to the delay, had reference to Count Arnim himself:—

"The publication of the book would injure him; the pending decision of the Supreme Court would be less favourable to him should the Imperial Chancellor feel aggrieved by its production; moreover, truth would assert itself even were nothing done to unveil it."

This argumentation, after long and mature cogitation, also proved absolutely incomprehensible. The Supreme Tribunal has to decide whether the Stadtgericht (Magistrates' Court) of Berlin had or had not jurisdiction, and whether or not thirteen documents were, in a legal sense, public documents.

Its learned conceptions regarding these questions cannot possibly be modified by the fact that matters

obtain publicity which have with them no connection whatever.*

Just as little can it be conceded that truth will assert itself independently of its demonstration by any one. It wieldeth not such power.

Truth is one, lies are manifold; therefore are lies more powerful than truth. Hence the greater facility possessed by falsehood of obscuring, distorting, falsifying the latter.

Truth, then, can prove victorious only when spoken to-day, to-morrow, the day after to-morrow, and so on, over and over again. Only when with a strong hand the mantle is removed under which truth was maliciously sought to be shrouded will falsehood, however multiplied its ramifications, be made to stand aloof.

For that reason also neither could the fear of the possibility of the Chancellor's discontent reacting on the Supreme Court, nor the confidence in the silent, secretly-working power of truth, have induced us to bury it untold.

Attention is claimed by a third consideration.

In the following pages some of Count Arnim's reports will appear in print. Their publication is justified by

* It is, however, probable that the Supreme Tribunal will have given its decision in the case before this book can appear. External circumstances will so much delay its publication that the court is not likely to be affected by such an influence as this book may probably produce on the Imperial Chancellor.

the plea of painful necessity, though contrary to every fair tradition in the annals of diplomacy.

But after the publication under the sanction of Prince Bismarck of an overwhelming amount of documents of a damaging character to Count Arnim, the tradition of diplomacy can no longer stand in the way of him whose sense of duty points to the necessity of defending the late ambassador.

However, we refrain in the following pages from giving publicity to a single document that has not already come under the notice of the Public Prosecutor, of the adjudicating law courts, of the defending counsel, and likewise of all officials of a lower degree who have had a hand in these matters.

Nay, more, the Public Prosecutor himself has demanded that these documents, with one solitary exception, be read in open court, Count Arnim, on the other hand, declaring through his legal advisers that it was immaterial to him whether they were read or not.* The Public Prosecutor having thereby admitted the innocuous effect of their appearance on the public mind, we are equally entitled to waive our own scruples. We do not

* Count Arnim did this because, according to the requisition of the Public Prosecutor, not only the reports published in these pages, but also other, altogether confidential, documents would have been read, which we keep back even now, as we are not disposed to follow the method of compromising other persons. It is, however, interesting to reflect that it is the Foreign Office itself which has supplied the materials for this book by its communication of the documents to the court.

consider ourselves under the obligation of eliminating them from the mass of materials which with such trouble we have succeeded in bringing together in view of defending Count Arnim on the score of truth.

If in the palmy days of the poet-city Weimar, it should have occurred to Duke Charles Augustus to institute a new bardic contest on the Wartburg for the purpose of deciding whether Goethe or Schiller was the greater poet; and if Goethe for his share had put forth the pretension of submitting to the umpire a "selection" from among his master-works, whilst Schiller was allowed to produce nothing further than perhaps "*Kabale und Liebe*" (*Intrigue and Love*), no one would have found that light and air were justly distributed.

Yet this arrangement would perchance have proved favourable to Schiller, who might have afforded to be restricted to the production of "*Kabale und Liebe*," had Goethe been compelled to bring forth all he had ever penned in prose or in verse, or spoken by word of mouth.

But Schiller could never have consented to Goethe's entering the lists with "*Egmont*," "*Faust*," "*Götz*," and "*Wilhelm Meister*," when in his choice of champions he was restricted to Herr von Kalb, Herr Wurm, and Louisa Miller.....

This must be plain to every one.

But up to this day it has not come to the knowledge of the spectators of the duel between Bismarck and

Arnim that in this affair matters have been brought about in a similar fashion to the supposed contest between the two poets, but that they have been more clumsily managed.

The course of procedure was such that the Imperial Chancellor made public all that he wished should be known and nothing more ; while Count Arnim was compelled to show only that side of his political character which his opponent desired should be seen.

Hence the unfairness of the public judgment generally, which it is impossible to entirely rectify.

So far, however, as it is possible to establish truth, the attempt shall be made in these pages by means of facts corroborated by documents, although, as said before, *we print none the publication of which has not been demanded by the Public Prosecutor himself.*

POTSDAM, October 4, 1875.



PRO NIHILO.

UP to July, 1872, the Imperial Chancellor was guiltless of harbouring any ill feeling towards Count Arnim. A short time previously, in fact, he had even officially expressed the wish to appoint the ambassador his *adlatus*, a proposition most readily sanctioned by the Emperor.

Having on the 29th June, 1872, after tedious negotiations, concluded a convention with the French Government for the speedy payment of the milliards and the evacuation of France—a convention in conformity with the wishes of the Imperial Government—Count Arnim repaired to Kissingen to take the waters, passing Ems on his way, where the Emperor was staying.* He was received by the Emperor with marks of distinction, and the expression of His Majesty's gracious thanks for the services rendered at Paris.

The Minister Count Eulenburg and Canon Frenken, of Cologne (the latter of whom figured among the Liberal members of the Cologne Chapter, and had long been known as a devoted patriot), were staying at Ems at the same time.

The conversation of Count Arnim with these two gentle-

* This convention must not be confounded with that of 15th March, 1873, destined to play a more important part in these pages.

men chiefly turned upon the most rational course of action which in reference to the conflict it was on all sides declared urgent to adopt, and which was unavoidable, against Roman encroachments—a conflict which already at that time was being waged with the most passionate virulence on both sides. Count Eulenburg and Canon Frenken were both of opinion that violent measures which would make martyrs of the bishops might effect the reverse of what the Government intended to achieve. Canon Frenken inclined to the opinion that the Catholic population in such a case would not only stand obediently by the Bishops, but would even spur them on.

Count Eulenburg, moreover, confessed that a declaration recently sent in by the Bishop of Ermeland was, in fact, in every respect adapted to form the basis of an acceptable *modus vivendi*, but that Prince Bismarck had rejected this proposition, probably because he deemed it more advisable to push the conflict to extremities.

As this conversation was purely speculative and strictly confidential, Count Arnim was imprudent enough to share the doubts of these two gentlemen as to the certainty of the future triumph of the Imperial Chancellor, although equally anxious with them to see this triumph realised. At the same time Count Arnim was injudiciously spoken of in well-informed circles at Berlin as the successor of the Imperial Chancellor, who was said to be suffering from ill-health. Both these indiscretions reached the ears of Prince Bismarck.

It would be pardonable that Count Eulenburg, as member of the Ministry, should have mentioned the expressions of Count Arnim at a casual discussion about Church-policy. Count Arnim's second imprudence, that of allowing himself to be mentioned as successor of the Imperial Chancellor, was in all probability conveyed to the latter through the Secretary of the

German Embassy at Paris, Herr von Holstein. As was proved by Herr von Holstein's admission during the Arnim trial, he was in correspondence with persons immediately surrounding the Imperial Chancellor, in which correspondence the Ambassador was made the chief subject of his reports. Besides this he had obtained from Prince Bismarck special permission to write for the newspapers, although the Prince had most strictly forbidden all other members of the Embassy to have any relations whatever with the press, and Count Arnim had not even received an official intimation of the authority given to his subordinate to devote himself to journalistic pursuits. With great ingenuousness Count Arnim communicated to the secret correspondent of the Imperial Chancellor a passage of a letter received from Berlin, according to which he was mentioned there as the presumable successor of the Chancellor.

The doubts expressed by Count Arnim at Ems to the immediate attendants on the Emperor* as to the infallibility of the Church-policy, coupled with the communication according to which he was denoted as the successor of the sick Chancellor, at once produced in the fretful imagination of the latter the convincing proof of the existence of a treasonable plot. If the Imperial Chancellor considered this plot to overthrow him to be one amounting to high treason, we may remark that according to criminal definitions only acts directed towards the overthrow of the sovereign are deemed as such. That this suspicion had already firmly established itself at that time is evident from a later correspondence published in the *Cologne Gazette*.

* The Emperor neither questioned the Count at that nor at any other time, about the Imperial Chancellor's Church-policy, and the Count for this reason has never had an opportunity to express his opinions to the Emperor on the subject.

In the autumn of 1874 the *Cologne Gazette* received communications from a Paris correspondent concerning Count Arnim, the object of which was to represent the latter as a dangerous intriguer, whose intention it had long been to overthrow Prince Bismarck. (See Appendix No. 1.) That correspondence, which was either addressed directly to the *Cologne Gazette* from Paris,—i.e., from Herr von Holstein—or else from the Berlin Press Bureau, and which was based upon the interchange of letters between Herr von Holstein and the *entourage* of Prince Bismarck, says,—

“This intention had first been manifested by Count Arnim in the month of July, 1872; for, at that time, when Prince Bismarck was unwell, Count Arnim had received letters from his friends at Ems in consequence of which he considered himself justified in assuming that the moment for action had arrived.”

Whether that mistrust really had its origin in the two indiscretions of the Count, namely, that of expressing doubts as to the infallibility of the Church-policy, and the still greater one of figuring as the probable successor of the Chancellor, is, moreover, perfectly immaterial, since the only question at issue was as to the Count's being guilty of any action capable of establishing the suspicion of “high-treasonable” intentions. Notwithstanding the most prodigious efforts to adduce a proof of this, the Public Prosecutor did not succeed in bringing forward even the slightest circumstantial evidence of the intrigues against the Chancellor which were imputed to the Count—or evidence which might at least have sufficed as an excuse for the mistrust with which the Imperial Chancellor was tormented from that day forward.* But

* This morbid mistrust breaks out in an official rescript of the Imperial Chancellor, dated 19th June, 1873, with a simplicity which borders on the comical, and the publication of which, further on, will astonish the reader.

even supposing that the Count had really entertained and avowed the "treasonable" intention of overthrowing the Imperial Chancellor, no justification could be found even then for the course pursued by the Chancellor towards his subordinate. This treatment, unheard-of in the history of Prussian bureaucracy, had for its object to get rid of the Count and denounce him to the Emperor and to public opinion, but principally, and first of all, to remove him from his important and honourable post.

The latter task, however, was one attended with great difficulties.

In consequence of his ability—tested during thirty years of official service—of his knowledge of affairs, his diplomatic tact, his quiet demeanour, and his rare discriminating judgment, he enjoyed the confidence of the Emperor—a confidence which none but the Chancellor would have been able to shake.

In addition to this, public opinion designated him as the right man in the right place. But simply to deprive this man of his post, was not enough; it was indispensable that his former reputation should be destroyed so as to render him politically and, if possible, socially defunct.

False accusations to the Emperor, contemptuous treatment, groundless reproofs, frivolous calumnies in the press, humiliations in the eyes of the French Government—such were the several measures alternately adopted during a period of two years, according as opportunity offered, until the object was attained.

In the month of August, 1872, Count Arnim was at Frankfort, undergoing medical treatment, when the well-known Danish publicist Hansen, whom Count Arnim had once casually met in Paris, called upon him unawares. Count Arnim on that

occasion gave him as his opinion that it was the mission of politicians of both countries to establish friendly relations between Germany and Denmark. M. Hansen, who had possibly overrated Count Arnim's influence, appears to have seen in that opinion an occasion, and moreover a very well-founded one, for presupposing the German Ambassador to entertain a particular good-will towards Denmark. From Copenhagen, where he had been in July, 1872, he had, either ostensibly, perhaps really in obedience to orders, or at any rate with the privity of the Danish Minister of Foreign Affairs, sought Count Arnim, first at Doberan, and not finding the Ambassador there, gone after him to Frankfort.

He solicited the intervention of Count Arnim for the purpose of disposing Prince Bismarck in favour of certain wishes of the Danish Court.

We must decline defining these wishes more clearly in this place. It was not agreeable to Count Arnim to receive these disclosures.

However, it was undoubtedly his duty to bring them to the knowledge of Prince Bismarck, although he dared not conceal the difficulties of the situation from M. Hansen. Count Arnim accordingly communicated to Prince Bismarck what Hansen had told him. In reply to this communication he received a letter signed by Herr Lothar Bucher, the Père Joseph of the Pomeranian Richelieu, which gave Count Arnim to understand that the Prince was annoyed at receiving any communications relative to the efforts of M. Hansen. The report of Count Arnim was thus stigmatised as a piece of awkwardness, and as showing want of tact.

The affair was thus disposed of.

Now, assuming Count Arnim to have despatched to Varzin no report of M. Hansen's visit, would not the Imperial Chancellor have been justified in making this silence a cause of

12 the bitterest reproaches? Undoubtedly! Thus does a plain symptom here manifest itself, namely, that Prince Bismarck, as early as August, 1872, and possibly in consequence of communications from Paris or Ems, had already lapsed into a frame of mind which induced him to suspect in Count Arnim an adversary whom it was necessary to show distrust at the earliest opportunity.

The incident in which M. Hansen plays a part is, for a certain reason, deserving of special notice.

From the minutes of the judicial inquiry it appears that, at the request of His Excellency Herr von Philippsborn, who first led the attack against Count Arnim, the post-office at Grambor was instructed to confiscate a letter of M. Hansen to Count Arnim, which it was said would be of an extremely compromising nature.

Such a letter, of course, was not produced, since no correspondence ever took place between Count Arnim and Hansen. One is therefore justified in assuming that a misguided police, acting at the expense of the "Welfenfond" (the funds derived from the confiscated property of the ex-King of Hanover), has furnished hints of a conspiracy between Count Arnim and Hansen, the Dane.

Perhaps Herr von Philippsborn seriously believed that the former Ambassador of the German Emperor was in league with Hansen, the Dane, against the German Empire. As Herr von Philippsborn, according to current reports, is said to have stated to different persons that the indictment had not so much to do with the missing documents as with matters of more serious import which the Arnim trial would supply the means of bringing to light, it is to be feared, considering the

honourable character of that gentleman, that he was misled by false police intelligence. No one will deny that police agents do supply false news on occasion, particularly when stimulated by such large resources as the "Welfenfond" offers to accomplish something extraordinary.*

In September, 1872, the meeting of the Emperors at Berlin took place. Count Arnim came from Doberan, where he had been spending the latter part of August, to the capital—not in order to be a witness of the meeting, but to converse with the Prince before returning to Paris. He announced his arrival to the Prince, and requested an interview.

It has been proved by witnesses that the Prince received Count Arnim's letter. Some days elapsed without the Count receiving a reply. On the fourth day he heard by chance that Prince Bismarck had left Berlin.

The Imperial Chancellor had therefore not wished to receive the German Ambassador before he left for his most important post. The question whether the Foreign Minister has the *right* to evade an interview with an Ambassador of the Emperor may be here passed over.

If he *has* the right, then the Ambassador is compelled to establish with the Foreign Office the sympathy so indispensable to an agent abroad by means of interviews with the Minister's representative.

At that period the representative of the Minister was Herr von Thile; but for good reasons he was not at that time to be approached. On the very day that Count Arnim arrived at Berlin, Prince Bismarck had conveyed to the under Secretary of State the intelligence that an irreparable breach had taken place between them.

* It is stated that 42,000 Thalers (£6,300) have been debited to the "Welfenfond" on the occasion of the Arnim trial. *Est-ce que le jeu valait cette chandelle ?*

It appears that Herr von Thile, acting upon a written command of the Emperor, had forwarded the insignia of the Order of the Black Eagle to his Majesty, who intended them for the Austrian and the Prussian Ambassadors, whilst Prince Bismarck, departing from tradition, resolved that an inferior decoration should be conferred on the two diplomatists.

As Herr von Thile had in this instance obeyed the Emperor's instead of the Chancellor's instructions, he was dismissed. Nor is it therefore probable that Count Arnim saw Herr von Thile when he was at Berlin in the month of September, 1872.

Count Arnim's first thought was, in presence of this inconsiderate treatment towards himself, that it was incumbent on him to send in his resignation. This thought, however, was not carried into effect.

On the one hand, all officials of His Majesty, who in Prince Bismarck acknowledge their immediate superior, are so much accustomed to his rather extraordinary conception of mutual rights and obligations that out of consideration for the greatness of the man they put up with a great deal more than under different circumstances they would otherwise do. On the other hand, however, His Majesty was pleased to receive Count Arnim several times during that period, and to express the hope that he would thereby be compensated to a certain extent for the inconsiderate treatment received at the hands of the Imperial Chancellor. Owing to these circumstances Count Arnim, who possibly regarded himself as the Emperor's and not the Chancellor's Ambassador, abandoned his idea of at once tendering his resignation, without, however, resolving on a protracted stay in the Imperial Chancellor's service.

The fact that Prince Bismarck avoided seeing Count Arnim in September, 1872, became portentous of the further develop-

ment of the events we are here recording. As already pointed out, the Ambassador was thereby disabled from making himself perfectly acquainted with the views held by the Imperial Chancellor.

These views might have become modified; for the state of affairs in France had undergone a complete change.

When Count Arnim was at Berlin in October, 1871, Prince Bismarck told him that in his opinion Gambetta would be the only dangerous Ruler of France. Should he rise to power, Germany would see in this a *casus belli*, and he authorised him, if the occasion presented itself, to make no secret of the fact.

Was this the view still to be acted upon in September, 1872?

Was Prince Bismarck still disposed to place himself in this particular case at variance with the non-intervention policy he had himself proclaimed?

Did his old predilection for the Empire still remain?

These were all-important questions, difficult of discussion by correspondence, more especially in the case of Prince Bismarck, who very easily invested reports with a meaning they were not by their writers intended to convey.

It is necessary that upon all these matters we should have a clear mind. Conditions and men respecting which we are desirous of having a decided opinion must be looked at as closely as possible. What is seen from a distance and in a general way may be sometimes understood; as a rule, however, it will be misconceived—a fact taught by experience.

How often, when judging of men and things according to general impressions received from street gossip, are we not deceived in matters of daily occurrence in our imme-

diate neighbourhood, and in which we have no personal concern whatever? How much more must this be the case with things which excite party passion, and are apparently connected with the most important political questions? Under the influence of prevailing prejudices an official character-portrait of certain personages, especially of prominent statesmen, once adopted, becomes the common property of national opinion, deviations from which it does not willingly sanction, because every variation from the accepted idea generally weakens the whole thread of prejudices to which passion will cling in order to avoid the charge of self-inconsistency. And yet the portrait which is deemed in good faith to be a photograph taken in broad daylight would at once be pronounced a caricature were a comparison ventured of it with the original.

The habit men have of picturing to themselves persons and things as they *might* be according to the generally circulated outlines, assumes, especially in our time and in our country, an almost tragical importance.

Our country is, after all, the real home, and our time that of the centralised and monopolised production of public opinion enrolled in the service of might against right. It is not the opinion of all, perhaps not even of the majority, but it is the only one allowed to make itself heard with impunity. It may be said that the reputation of persons in whom in one way or other party passion takes an interest, is solely at the mercy of the good-will of the power of the press, concentrated in *one* hand, against which there is absolutely no remedy.

For how should protection be obtained against the excesses of the semi-official press at the hands of the powers who depend upon the very authority which speaks to the country through the "Imperial Press?"

In the Bismarck-Arnim trial, however, the semi-official press

has distributed the parts as it suited its ends, and hitherto it has been impossible to react against it in any way whatever. Accordingly, Prince Bismarck is the prototype of the great outspoken Liberal Statesman to whom things solely, not persons, are of importance, and who always is and will be in the right. To Count Arnim, however, the part was assigned of an intriguing, reactionary diplomatist of the prejudiced old school, with a prepossessed mind in all sorts of diplomatic trifles—at one time crafty, at another silly.

Let us see how the matter really stands.

The general impression in our case is that Count Arnim supported at Paris the scheme of restoration and contributed towards the overthrow of M. Thiers in May, 1873.

This legend has been circulated by the paid and unpaid Government press. Herein may be discerned the real cause of the estrangement between the Imperial Chancellor and the Ambassador. The former has expressed himself to this effect, and his utterances have been accepted as dogmas with that respectful submission with which all his sayings become idiosyncratic with his faithful worshippers.

We have already in the preceding pages said that the cause of the feud between the Imperial Chancellor and his Ambassador was to be sought in other occurrences.

Before the fall of M. Thiers could even be thought of, Prince Bismarck had already assumed towards Count Arnim a keenly repellent attitude. But even admitting the demeanour of Count Arnim towards M. Thiers not to have been the source whence sprang the quarrel, might it not have added to its intensity? Allowing the Imperial Chancellor to have been in the wrong in July, 1872, was not the Amba-

sador's subsequent attitude calculated to confirm that he was right?

Are not the despatches of the Imperial Chancellor still there to prove that the Ambassador was at variance with Prince Bismarck?

The despatch we wish here especially to allude to is that of 20th December, 1872.

This has excited universal attention, and Herr Tessen-
dorf advised the late Ambassador to adopt this despatch as a rule to go by, which is very natural, seeing that it is written in a tone which cannot be other than gratifying to the public.

We are even under the impression that it was written in view of its eventual publication.

Possibly an action before the City Court (Magistrates' Court) was not exactly thought of at that time. The practice of deciding political and ecclesiastical questions before District or Town Courts had not yet prevailed in the year 1872.

Maybe a parliamentary debate was thought of? The despatch was calculated to win over to the Prince the crowds assembled in the Forum.

Judged from this point of view, the document would seem to prove an effective political weapon. We shall abstain from pointing out all the singularities contained in the despatch, which clearly shows that even the greatest men are not proof against the attraction of paradoxical utterances.

Fascinatio nugacitiæ bona obscurant.

We will only call attention to one monstrosity. Prince Bismarck says that possibly the responsible Minister might expose himself to a criminal prosecution, who would knowingly contribute to strengthen the enemy, with whom Germany has reason to fear the next war, by favouring the establishment of domestic concord, and rendering him more capable of

contracting alliances through having a Monarch as ruler. Prince Bismarck characterises such a policy as "hostile to the country." This sentence is throughout hypothetical. It is an hypothesis that France will be the next enemy. It would be more correct to say : "Germany's next enemy may reckon upon France as an ally."

Further, it is an hypothesis whether a Monarchical ruler would render France more united at home, and more capable of forming alliances abroad. It is very improbable that with Henri V. France would be more internally united than she is now or than she was under the Empire. Neither would she be placed in a more favourable position of forming alliances by the accession of Henri V. to the throne. Or whether, the moment a Government appeared in France which, not to run counter to established principles, threatened the territorial possessions of the other European Powers, the natural allies of Germany would stand in greater need of support, and thus draw closer to her.

However, one hypothesis is as good as the other, and we will not trouble ourselves further with combating Prince Bismarck's conjectural policy by means of another policy equally conjectural.

But, as regards the statement that the Minister might expose himself to a criminal prosecution who would render France more capable of forming alliances by giving her a monarchical ruler, Prince Bismarck will most likely bear in mind that it is no fault of his that the Empire was not reinstated. His partiality for the Empire is well known, and he has good reason for it.

But even had the restoration of Bonapartism been a political mistake, it would certainly have been unjust in the highest degree to make Prince Bismarck criminally responsible for it. Every Minister is allowed to commit political mistakes, and Prince Bismarck possesses this freedom in a higher degree

than any other Minister, since the German nation has granted him the privilege of being always in the right.

Under all circumstances the passage in the despatch of 20th December, 1872, in which the Public Prosecutor suddenly peeps through the window into the Prince's cabinet, is, symptomatically, a very noteworthy phenomenon.

He already discloses in December, 1872, the revolutionary, liberticidal, and two-edged endeavour of probing to the quick every human action—yea, every expression of opinion, however confidential—with a view to ascertaining whether it could not in some way or other be brought in opposition to a paragraph of the Penal Code, unless it had received the *visa* of the omnipotent Premier before venturing from the brain to the lips. Prince Bismarck justly feels himself secure, and can therefore wander through dangerous paths. For none would think of looking into the various political acts of the Imperial Chancellor with the object of seeing whether they might not, from some point of view or other, be made to face certain elastic provisions of the Penal Code. Whoever delights in paradoxes might otherwise be easily led into the temptation of examining whether the paragraphs applying to excitation to hatred and contempt amongst the citizens of the Empire, or those in reference to the violation of official secrets, might not meet with abuse in their application to various recent occurrences in connection with which the name of Prince Bismarck is mentioned.

After this brief digression we resume the discussion of the question as to whether Count Arnim has given the Imperial Chancellor a just cause of complaint by his attitude towards M. Thiers.

Before proceeding to the historical description of the actual

course of events, we must confront an entanglement of ideas which under the influence of the stupefying manœuvres of semi-official prestidigitateurs has prevented public opinion drawing with logical precision the limit beyond which Prince Bismarck has no right to complain.

This limit lies between the *duty* of the diplomatic agent—of whatever rank he may be—to be strictly guided in his attitude abroad by the instructions of the responsible leader of the State's policy, and the *right* of the agent to conscientiously and scrupulously report to the Emperor, and to the Minister all that he sees while at his post. This *right* even includes the *duty* not to conceal or "colour" anything which in his position he considers to be true in relation to the facts he has observed. Unfortunately the apprehension is not unfounded that Prince Bismarck also claims for the Reports of the Imperial Ambassadors and Envoys that they fit into the picture by which the Emperor is to be won over to the policy of the Prince. But if he wishes to induce His Majesty to adopt a certain line of policy, should not the impressions produced by the facts which the Envoy observed in his immediate vicinity be submitted to His Majesty?

We will illustrate this by an instance which is fresh in the memory of all.

Every one knows the Note which Count Perponcher addressed to the Belgian Government on the 3rd February of the present year. We are not aware whether Count Perponcher was at the pains, in the report of the negotiations which preceded this Note, to point out that they had a very depressing effect in Belgium, and that this mistaken step would also displease our allies with whose representatives in Brussels he no doubt entertained intercourse.

If he *has* done so, he has kept within the limits of his office. In any case, his communications—if any exist at all—have

produced no effect, judging from appearances. On the contrary, he received instructions to present the Note which seemed to threaten peace. Count Perponcher could not disobey this command, neither was he allowed to express to the Belgian Government the opinion possibly prevalent in his mind that the Note was a most deplorable document.

If in his reports Count Perponcher's advice was to avoid provoking Belgium, he violated no duty.

Nevertheless, it *was* his duty to follow the instructions he received, contrary though they might be to his own views. Prince Bismarck, however, further narrows the limits within which the Envoy is entitled, and even obliged, to act with freedom.

In his despatch of 20th December, addressed to Count Arnim, he expresses himself as follows :—

“When I am under the impression that the reports of His Majesty's representatives are based on incorrect assumptions, my official position imposes upon me the obligation of calling their attention to the fact, and of establishing the truth, either by means of mutual argument, or, in cases where the question refers to forecasting eventual probabilities, and an agreement in regard thereto cannot be arrived at, of determining the views on which the policy which I counsel His Majesty to adopt is based, and in deference to which an Envoy must therefore allow his deviating opinion to be waived so long as His Majesty the Emperor and King entrusts me with *the direction* of the foreign policy of Germany.

“No department can bear the strain of inharmonious working less than that of the Foreign Office. Such a state of affairs would, to my mind, belong to the same dangerous category as, for example, the operations of a Brigadier and his General of Division, according to divergent plans in time of war.”

There is only one objection to make to this, namely, that there existed no reason whatever for reading Count Arnim such a lecture.

In the first place, the Imperial Prince Chancellor avoided every verbal discussion, by means of which "the truth might have been arrived at," since he had always declined to receive Count Arnim, as previously mentioned, and as will be more fully dwelt upon further on.

In the second place, not the slightest ground existed for assuming that an understanding in regard to estimating future probabilities might not have been arrived at. The attempt was not even made on the part of the Imperial Chancellor.

"It is my duty," says Prince Bismarck, "to determine the views on which the policy of His Majesty is based, and in deference to which the Envoy must therefore allow his adverse opinion to be set aside."

Against this it might, indeed, be remarked that the Imperial Chancellor cannot "determine a view." If in the "opinion" of a Brigadier at an outpost he is confronted by 100,000 men the General of Division cannot "determine the view" that 50,000 men are there.

He may, however, order the Brigadier to attack the enemy's outposts, whatever his opinion as to the strength of the enemy may be; but he cannot command him to believe or to report that the enemy which the Brigadier sees is weaker than the latter deems to be the case.

Now, the manner in which the Prince expresses himself in his despatch is of such a nature that even the most attentive reader is not altogether clear whether Prince Bismarck intended to insinuate to Count Arnim the reproach that—keeping to the military simile—he omitted to attack, notwithstanding the order to do so, or whether he required him to

make reports concerning the strength and armament of the enemy which agreed with the plan of war which the Imperial Chancellor had sketched out.

The public has been deluded by the Prince's manner of expressing himself, and is in general under the impression that the Ambassador *did* act contrary to the Imperial Chancellor's instructions. This altogether false impression has, then, been taken advantage of for certain purposes.

A Court party has been invented which is said to "intrigue" with Henri V. against the Prince; mysterious relations which the Ambassador had maintained with the leaders of the Monarchical parties have been spoken of, and other absurdities of the kind, all of them entirely based upon falsehood and an abuse of human simplicity.

It is the object of the following narrative to *unravel the red thread of calumny* which runs through everything that has been said in regard to this affair.

The period here treated of runs from October, 1872, to May, 1873.

During this time M. Thiers's Government was twice seriously menaced—in November, 1872, and in May, 1873.

In November he was not deposed; in May he fell.

For this Count Arnim is made responsible. On what grounds? we ask.

Towards the latter end of September, 1872, the Ambassador returned to Paris for a fortnight.

His leave of absence had not yet expired. But Count Wesdehlen, whose mother had been taken dangerously ill, requested him to hasten at once to Paris, in order to allow him to be present at his mother's deathbed.

Count Arnim did not hesitate a moment to comply with this request, and left as early as possible for Paris, where he arrived at the latter end of September.

The President of the Republic was not then in Paris, but at Trouville, where he had given audience to a newspaper correspondent, to whom he made disclosures showing great self-confidence, and the great reliance placed by him in the capability of the French army.

Target practice was taking place at Trouville at that time, and was just then a good deal talked about.

A vessel stood out in the offing, and an attempt was made from the shore to shatter her to pieces with new guns. The papers had a great deal to say on the subject. Possibly the whole affair was not much more than a mere pastime. At any rate, it was a kind of sport which considerably encouraged the French in their thoughts of revenge.

Whoever recollects these facts, even from simply reading of them in the newspapers, will not deny that M. Thiers sought to accustom public opinion at that time to the idea that France, under his sway, would soon regain her former powerful position. "*Il faut creuser le sillon*" is a dictum of M. Thiers with regard to the treatment of public opinion.

Prince Bismarck has done the same this spring—fortunately without success.

At the same time M. Thiers was surrounded by the diplomatic body at Trouville.

The representatives, particularly of the Powers which are in one or the other sense of interest to Germany, held intimate intercourse with him. It is impossible in this pamphlet to enter more fully into this matter.

At the same time, Gambetta appeared to be *en rapport* with the cosmopolitan German Radicals. It was generally current in Paris—and it was at that time not at all improbable—

that the policy of M. Thiers would have led to a Gambetta régime, which in the year 1871 was regarded by the Imperial Chancellor as a *casus belli*.

And should Count Arnim have remained silent on this matter, when he received the impression at Paris that this very eventuality was imminent?

It is scarcely possible to conceive a graver dereliction of duty. He accordingly communicated his impressions, both in regard to the increasing self-confidence of M. Thiers and to Gambetta, in a letter to the Imperial Chancellor, dated 3rd October, addressed to him direct, and *without a number*.

This communication was entirely in the tone and character of a strictly confidential private letter. It was fair-copied by a clerk of the Chancery, for the sake only of its greater legibility.

It had no number, as said above, and Prince Bismarck was not bound to bring this communication to His Majesty's knowledge at once—and without any reply—if he believed that it would have the effect of thwarting his policy.

If the utterance of a personal opinion, based upon observation of facts, struck him to such a degree that he perceived in it an event undesired by himself, the simplest and most natural course to pursue would have been to invite Count Arnim to proceed to Varzin for a short discussion of the matter.

It would then, doubtless have turned out that the Imperial Chancellor and the Ambassador were *de republica eadem sentientes*, and that a profound difference of opinion about the practical questions did not exist at all.

Nothing of the kind happened. Frederick the Great—to whom also some merit is due as regards the Prussian monarchy—did not disdain to discuss the exigences of the moment with his Minister, and to listen to objections.

Discipline and unity in *action* have not suffered by his conversations with the trustworthy Podewils. And yet Frederick the Great was a man who had plenty of business to attend to.

After staying a fortnight at Paris, Count Arnim returned *viâ* Baden to Berlin, with a view of proceeding thence to the country, where he was desirous of spending the unexpired term of his leave of absence.

Of the expressions which His Majesty made use of at Baden to the Ambassador, we must not say a word. While in the country, Count Arnim received instructions to return to Paris as soon as possible, in order there to watch the course of events.

He complied with this order towards the latter end of October. He was dependent for his instructions solely upon Herr von Balan, who had replaced Herr von Thile, and shared his views.

In November, 1872, a crisis occurred at Paris, in consequence of which M. Thiers's *régime* was seriously endangered.

Whoever carries his mind back to the occurrences of that time will remember that the Message with which M. Thiers opened the National Assembly met with a violent opposition on the part of the Conservative fractions.

Although neither of them were prepared with an efficient candidate for the Throne, still these so-called Monarchical fractions were agreed in the opinion that a prolongation of M. Thiers's dictatorship appeared to them dangerous in the extreme. It is unnecessary to enter into the internal history of that November crisis. It did not end in M. Thiers's downfall.

The Opposition was not sufficiently organised to succeed in

overthrowing him, and the President came out of the crisis victorious, but by no means unscathed.

For the purposes of our investigation it is only necessary to determine what part Count Arnim played during that period.

The Imperial Chancellor's despatch of December 23 refrains from accusing the Ambassador of favouring the opposition as against M. Thiers. The despatch only refers to Count Arnim's reports, and contains nothing of his influencing the course of affairs, of the alteration of the form of government, or of the change in the leading personages.

And for a very simple reason. A remonstrance could not be addressed to Count Arnim with respect to an action of that kind, since, as required by the very nature of things, he had remained altogether neutral in the domestic dispute between the President and the National Assembly.

On the other hand, he had certainly expressed in his reports the opinion that German diplomacy had no reason for taking a particularly warm interest in a prolongation of M. Thiers' dictatorship.

And this for the following reasons :—

It has already been mentioned how greatly the confidence of the President and the nation in the capability of the army had increased.

Had the President remained as completely master of the situation in the National Assembly in November, 1872, as he wished to be, he would in point of fact have had all the vital forces of the nation at his disposal.

Count Arnim apprehended, and gave expression to his apprehension, that M. Thiers would follow his favourite ideas—after the departure of the German troops—and concentrate his exertions more and more towards the preparation of France for a war of revenge.

If he ensured for himself a life-dictatorship he would pro-

bably not live to see the war, and possibly did not desire to do so. But his merit and his fame would have been incontestable if he succeeded in reorganising the army, adjusting the finances, and establishing with several Powers individually a cordial understanding. He would then have left France to his successor in a better condition and more capable of contracting alliances than it had been for a long time before. He was on a fair way towards this end.

His relations with Russia were of the best ; he had pacified Italy ; and was justly regarded in France as the official *sauveur de la patrie*.

He was not, for all this, at the head of any party, but was nevertheless tolerated by all ; if his most determined opponents yielded to him and submitted in many things to his caprice, the reason was twofold :—

1. Because no one presented himself capable of releasing the country from the incubus of internal discord.

2. Because he, a man of such vast experience, represented most worthily the interests of France abroad, and, in his person, most thoroughly represented the " French Idea ! "

The President could not to such a degree as was actually the case have become the centre of all political life had he not at the same time personally appeared to the French people as the incarnation of the judiciously-pursued and consistently-adhered-to meditated revenge.

C'est Monsieur Thiers qui prépare la revanche de la manière la plus sage ; c'est l'Empire qui serait le moins capable de préparer sagement la revanche.

That is the *résumé* of the idea which the French, generally, entertained of the situation at that time, and M. Thiers certainly appeared to Count Arnim the one best qualified to provide for the future.

The German Ambassador had indeed yet another fear in

connection with this matter, which he expressed to Prince Bismarck in a strictly confidential manner.

In the despatch of the 23rd December, 1872, Prince Bismarck condenses his reply to the expression of this fear in the following words :—

“Your Excellency believes, and has also expressed verbally to His Majesty the Emperor, that the ‘temporary’ prolongation of Republican institutions is dangerous to the Monarchical institutions in Germany,” &c.

Prince Bismarck, as has frequently been his wont, here replies to things which Count Arnim has never uttered.

In the previously-mentioned letter of Count Arnim, dated 3rd October, 1872, no allusion is made to the dangers of the “temporary” prolongation of the Republic. On the contrary, mention is made of the “definite” establishment (consolidation) of the Republic with the co-operation of M. Gambetta.

As to the dangers of such a combination the Ambassador expressed himself as follows :—

“The doctrine of the solidarity of Monarchical interests has become a source of misfortune for kings and peoples, in consequence of abuse and imprudence. But a certain *raison d’être* must not be denied it on that account. Monarchical Europe is too small to be able to endure without injurious reaction the consolidation of the Republic in the great territory of France, which is already exercising a republicanising influence in Spain and Italy, and stretching its tentacles towards Germany.

“I must here guard myself against the reproach of having over-estimated the reaction which victorious Radicalism may exert in Germany in particular. On the contrary, it is my firm conviction that we can await such an eventuality with greater tranquillity of mind than other Powers.

“But if the imminent combination of Gambetta with the

'chauvinistic' General Chanzy should be realised, and under their influence the Radical Republic in Spain and Italy become a success, such a turn of affairs would under any circumstances be unpleasant enough to require its prevention as much as possible.

* * * * *

"Nevertheless, my opinion by no means goes so far as to say that we should openly make ourselves the protectors of a Monarchical Restoration.

"The moment for this is so far from being at hand that as yet it is simply impossible to say with even a shadow of probability whether any and what Monarchical shade of opinion stands a chance of making itself master of the situation."

In the further course of his communication Count Arnim confines his propositions to saying that the semi-official press ought to refrain from entering into a distinct partisanship with M. Thiers, and renders his views clearer by the following exemplifications:—

"The system and practice long obtained in Prussia of looking upon and treating the Pope as a centre of wisdom, in whom assistance could be found against our refractory Catholics. By acting thus we have helped to make the Pope powerful, and spoiled our Catholics. We have acted the same in France and had, until very recently, good reasons for so doing."

But—so thought Count Arnim—the moment had now arrived for shifting the situation and starting from the premises that there are other wise men living in France besides M. Thiers.

The consolidation of the supreme power in the hands of M. Thiers was not desirable, for, as to that, no one should forget that M. Thiers, like the Pope, would use his power mainly for *one object*, that of bringing all the forces at his disposal

to bear in the conflict against the actual balance of power in Europe, which is the basis of a prosperous development of the German Empire.

All this, if we are not mistaken, is to be found in a strictly confidential note to Prince Bismarck, dated 12th November, 1872, and likewise without a number. Where has the Imperial Chancellor discovered in it the assertions which he refutes in his despatch of the 23rd December? But how does he arrive at the declaration that such a note, only intended for him, strictly confidential, and presupposing the greatest possible discretion, could ever be made use of in order to be communicated to foreign Powers as a *pièce justificative*?

A report by which facts are confirmed may under certain circumstances serve as a *pièce justificative*. But the utterance of an 'opinion' on the situation, a confidential correspondence about persons and eventualities, should never be communicated to a foreign Government. Still less can it ever bear the character of a *pièce justificative*. If the institution of Blue Books existed in the German Empire, the reports in question would be marked "private," and thus be divested of any official character. But as we have no Blue Books, political book-keeping by double-entry is not properly developed in our diplomatic intercourse. But, notwithstanding this, discretion, even on the part of the Minister, ceases not to be a duty the neglect of which is nothing less than a gross breach of faith.

The question as to whether Count Arnim formed a correct judgment of the situation is out of place here. Possibly he may have been mistaken. Moreover, the question had no direct practical interest, since M. Thiers survived the crisis. But the fact must not be lost sight of that he came out of it much weakened, apparently much less venturesome and less dangerous than he was in October.

Count Arnim has laid special stress upon this in a private

note which he wrote himself to Prince Bismarck on the 3rd January, 1874, and in which he replied to the much-talked-of despatch of 23rd December. It is as follows:—

“I have had the honour to receive your Highness’s despatch of 23rd December, 1873.

“Considering the great difficulties attending the production, by means of written observations, of the exact impression of the intentions of the writer, I should have preferred asking your Highness to relieve me for the moment from making a reply.

“In the attempt to show that my representations of the situation have been conceived in a sense different to that I intended they should convey I might perhaps be influenced by the desire to gain for myself, by retrospective commentaries, the credit of extraordinary penetration by means of dialectic subtleties.

“And, even if this attempt succeeded, which is by no means certain, the interests of the State would not be promoted thereby.

“I find, however, in your Highness’s despatch an observation regarding which, as it appears to me, I must take the liberty to remind your Highness that in criticising my reports your Highness has established a difference of opinion regarding fundamental principles of German policy. Whilst you have the goodness at the same time to express a great regret on account of this difference of opinion, your Highness has compelled me to awaken to the fact that the service of His Majesty the Emperor would suffer if there really existed a deep-rooted reason for this regret. I cannot persuade myself — your Highness will pardon my expression of *this* divergence of our views—that a difference of opinion concerning fundamental principles of the policy of the Empire exists or has ever existed between your Highness and myself. Such

difference of opinion would exist if I considered that it was to our interest to assist France in regaining her old position, or if I believed that Prussia—i.e. Germany—as far as the present generation can see, could make peace with the Pope of Rome by a pilgrimage to Canossa.

“The fundamental identity of views which exists in matters of Church policy likewise prevails in respect of our more immediate political mission in France.

“If your Highness specifies as such the fact of not allowing France to become capable of contracting alliances, I have had this same object also constantly in view.

“So far, therefore, I was in complete accord with your Highness. Only as regards the means of attaining this object have I expressed an opinion differing from your Highness’s own views.

“When in October last year I returned to my post I found the President, who had just been at Trouville, grown more powerful than was desirable. He had risen, not only in his own opinion, but also in that of others; he had, as it appeared to me, become more capable of forming alliances. Under this impression I indited my letter of 3rd of October.

“After my second return the self-confidence of the President had still further increased, and I believed I could prove that the elements inimical to us in Europe, so far as they were discernible from hence, regarded this development with great delight.

“At the same time a certain satisfaction manifested itself in those Italian circles, which were for the moment still directing the course of affairs, that the policy of M. Thiers, albeit solely dictated by the exigencies of his own position, would relieve Italy of the necessity of unreservedly acting in obedience to our system.

"Under these circumstances, I could not perceive without some misgiving that M. Thiers set about securing to himself the executive power for a number of years, and was organising for a conflict against us the vital forces of the country, to which Gambetta's democracy belongs, in simultaneously inclining now to established rule, now to the revolutionary fractions.

"From this standpoint have I given expression to the opinion that it might not be desirable any longer to support the policy of M. Thiers so unconditionally as hitherto through the inspired German press.

"The difference between the views of your Highness and my own is accordingly reduced to a mere shade, in respect of which I had not been aware that it could have produced the impression of a divergency.

"Since that time the situation has become materially altered. A fundamental contrast existed between the President and the National Assembly; and the President has—contrary to my expectations, I must admit—yielded to the combined resistance of the Conservative parties.

"In consequence of this he has become much weaker and much less capable of forming alliances than he was in October, according to my—perhaps mistaken—view, and the whole country has suffered a great loss in internal cohesion and vitality.

"The result may altogether be pronounced to be favourable. But I believe it to be due in a great measure to the language which journals with which I have not the slightest influence, such as the *Norddeutsche Allgemeine Zeitung*, the *Correspondance de Berlin*—as well as the semi-official Berlin correspondence of the *Cologne Gazette*, adopted during the period of the first crisis.

"It was the endeavour of the Presidential organs to accredit

the idea that the preservation of peace depended upon the stability of the present Government.

"Nowhere has this endeavour been opposed with such great clearness as in the 'leaderlets' of the journals just mentioned, in which I have not the smallest share.

"I am, however, firmly convinced that the Parliamentary Right would not have opposed the intentions of the President with such great energy, had they not derived the conviction from the *Norddeutsche Allgemeine Zeitung*, and from the *Correspondance de Berlin*, both of which are here regarded as semi-official, that the German Government would on no account intervene in order to uphold M. Thiers *quand même*.

"Whether the above-mentioned observations of the press have been made spontaneously is unknown to me. If the result to which they have contributed corresponds with your Highness's intentions, it is through no merit of mine.

"The peculiarity of the actual situation is that M. Thiers remains sufficiently strong to carry out the stipulations of the peace of Frankfort, and too weak to organise warlike surprises for the immediate future.

"Under these circumstances, and quite apart from the fact that the political attitude of diplomatic agents should unconditionally tally with the instructions given by the Executive Power, I believe I may assume that at the point the situation has now reached the surface of the picture no longer presents those varied tints which had led your Highness to apprehend that I might place myself in opposition to intentions regarding which your Highness has conferred upon me the honour of advising me in no ambiguous words.

(Signed) "ARNIM."

The Prince, who had, ostensibly, such an urgent need

of identifying himself with his Ambassador in the estimation of French affairs, might have seized the opportunity which the above letter offered of determining how far, if at all, this identity had already been established. Instead of which no answer was returned.

The subject, which of itself had no importance, it having reference to home affairs, might have been looked upon as disposed of. It was not possible, however, to entertain such an illusion, since the war of the "Reptiles" (official writers paid out of the "Reptile" fund, *i.e.*, the confiscated property of the ex-King of Hanover) against Count Arnim had commenced from that period.

Notwithstanding his doubts regarding M. Thiers as a statesman, particularly at that period, the Ambassador entertained for that amiable gentleman a most earnest admiration, and remained on the best terms with him as President.

He was in a position to transact the most important business with the President, and had, in May, 1873, some conversations with him regarding the election of the Pope's successor; and Romish questions, which—warlike ideas having receded into the background—greatly occupied both statesmen.

The "Church policy documents," which at the desire of the Foreign Office were most unjustifiably withheld from publication at the trial, have reference to these interviews.

In May, 1873, however, a new crisis arose in the National Assembly, to which the President succumbed. It has been

said that the German Ambassador had contributed to the downfall of M. Thiers.

Prince Bismarck himself retailed this story to his inquisitive supporters in his drawing-room on the occasion of a "Parliamentary *soirée*."

The fact is that Count Arnim was just as much concerned in the downfall of M. Thiers as in the periodical Chancellor crises which used to terrify the political world at Berlin until they had become habitual.

Marshal MacMahon was now summoned to the government. His nomination, as a rule, was hailed with gratification by the Diplomatic Body.

The tendency to recognise the new Regent without further formalities daily became stronger. Count Arnim, according to the semi-official press, is said to have favoured this tendency.

The truth lies in the opposite direction. The German Ambassador had no objection to make to the person of Marshal MacMahon, although the new President—notwithstanding his official position—had avoided placing himself in relation with Count Arnim. The Count had met him in the *salons* of President Thiers, but it had not been possible to induce him to make the acquaintance of the Ambassador, which, according to the etiquette of all countries, he was bound to do.

Consequently this conduct of the Marshal, the most prominent representative of the French army, had justified Count Arnim in his inference as to the disposition of the army, which enjoined him to exercise the greatest caution.

We find nothing, however, in the reports of Count Arnim of a nature to justify the assumption that the Ambassador had attached special importance to the unwarrantable reserve of the Marshal.

But Count Arnim was decidedly of opinion that as long as

there was not a recognised constitution in France the German Government as well as other Cabinets must reserve to themselves the freedom of their decisions in regard to a change of rulers.

The fall of M. Thiers was a surprise. Its result, in this case, had been one acceptable to all Governments. But no one could guarantee that on his part Marshal MacMahon might not be compelled, in consequence of a fresh surprise, to yield to another with whom it might not have been desirable to enter into official relations. It was therefore necessary to establish a precedent on this occasion, and to give expression to the principle that so long as France had no constitution the Governments would not indiscriminately ratify every change.

Count Arnim reported to his Government in this sense, and to his efforts is to be ascribed the fact that the Cabinets of Berlin, St. Petersburg, Vienna, Rome, and others agreed not to recognise the Marshal until he had announced his accession to power in the customary manner.

This was well known at Berlin, for Prince Bismarck, at the suggestion of the Ambassador, addressed himself to the different Cabinets in order to bring about a community of action. Notwithstanding this, Count Arnim was attacked by the semi-official journals in the most outrageous manner.

After the reproach which had shortly before been cast upon him in one of the Bismarckian journals of not having made the acquaintance of Marshal MacMahon, either from pride or through ineptitude, the reverse was suddenly put forth, namely, that the Ambassador had recognised the Marshal as President with unseemly haste.

These manoeuvres of the press, which are all of them to be traced to the remarks of Prince Bismarck himself, gave

rise to the following letter, addressed by Count Arnim to the Imperial Chancellor:—

“Paris, 13th June, 1873.

“For some days past I find, first in the *Cologne Gazette* and then in all the other German papers, an intentionally slanderous paragraph, according to which I am said to have set myself at variance with my Government, owing to the too great eagerness with which I am reported to have met the new Government here. For this reason, as it appears, I am to be removed forthwith. This paragraph is generally considered here to be more than semi-official, and excites the greater astonishment, as it is perfectly well known in the circles which this affair can interest that my exertions since Marshal MacMahon entered upon the government have been directed to restraining my colleagues from the desire, which partly manifested itself, of hastily greeting a saviour in MacMahon.

“I believe I have been successful in preventing an unsuitable precipitancy in this respect, and in damping this growing enthusiasm.

“All this is perfectly well known here, and has excited all the greater attention, both in the circles in affinity with M. Thiers and those favourable to the present Government, because my attitude has been traced back partly to my personal dislike to Marshal MacMahon, on account of which I was sharply criticised some time ago in the *Augsburg Gazette*. For my part I have caused no rectifications to be made of the above-mentioned correspondence. However, if such do appear, they must not be attributed to me.

“I might, however, with great deference submit whether a rectification in German journals accessible to the Government would not be advisable. As I have already done here,

as regards reserve, everything that was at all possible, it would surely be scarcely in accordance with the intentions of the Imperial Government were the opinion to be accredited that I ought to have shown still further reserve. A directly hostile attitude would then have been the correct one, and such was not evidently the intention of my supreme Government. On the other hand, it might become a matter for consideration whether my eventual recall from Paris, which may possibly be thought desirable for many reasons unknown to me, would not be better explained by my alleged tendencies towards the present Government.

"As my *début* with the new Government was already as cool as the usual forms allow of, and as I make an approach entirely dependent on the attitude of the members of the Government, my successor would really have to show a greater acerbity of manners than is necessary if my too eager advances are put forth as the reason of my recall.

"I have otherwise no personal interest in the matter. What the newspaper correspondents say about me is just as immaterial to me as the opinion of the French public in general.

"I must only regret if these manœuvres, which are regarded—and, according to my conviction, unjustly—as an emanation of the organs of my own Government, destroy my relations with M. Thiers. I have never concealed from this gentleman, whom I greatly respect, that his domestic policy appeared to me to be dangerous to himself; and he has never taken umbrage at my candour. '*Je sais que ma politique n'est pas de votre goût; mais j'en ai pour vous, et nous resterons bons amis.*'

"In this manner has he likewise expressed himself towards third parties, and it annoys me when in relation to my attitude towards him foolish things are ascribed to me which,

after all, he may believe because my accusers are to be found in the Governmental circles of Berlin. *Semper hæret aliquid.*

(Signed) "ARNIM."

"To His Highness the Prince Bismarck, Berlin."

No reply was vouchsafed to this letter. But Prince Bismarck, on the 19th of June, 1873, addressed the following letter to Count Arnim, which belongs to the so-called litigious documents, but was not read at the trial :—

(No. 103.)

"Berlin, 19th June, 1873.

"In the direct report to His Majesty the Emperor and King, No. 52, of the 8th inst., your Excellency has stated the reasons of your opinion, and at the conclusion of the report expressly declared that the best Government for us in France would always be that which would be obliged to expend the greatest portion of its force in combating its internal enemies.

"From your Excellency's previous leanings towards this opinion in a report of the 27th ult., regarding the new Government, I may infer that the correctness of the exception which I repeatedly have had occasion to recommend—albeit unsuccessfully—to His Majesty in regard to your way of appreciating French affairs, as expressed in your previous reports, will by this time have impressed itself upon your Excellency.

"In a series of reports extending over a period of eight months your Excellency has adhered to an opposite view and caused it to obtain with His Majesty. If it has not actually been the cause of the change of Government, disadvantageous to us according to your Excellency's own admission, it has at any rate facilitated this change by

paralysing my efforts to maintain M. Thiers and his Government in constant array against ever-increasing difficulties, and thus rendering his downfall easy of accomplishment by those who came after him.

"Your Excellency's oft-expressed opinion that the development of affairs in France under the direction of M. Thiers must become dangerous to the Monarchical principle in Europe has so far met with His Majesty's approbation that His Majesty does not deem the support of this Government advisable to the same extent which, in my judgment, hitherto was the case by virtue of the reasons which your Excellency yourself assigned at the end of your direct report of the 8th inst.

"The satisfaction openly shown by all our political adversaries immediately after the downfall of M. Thiers foreshadows the proof of the soundness of the policy which I, as responsible adviser of His Majesty, have vainly advocated in opposition to the counsels of your Excellency.

"The influence exercised by your Excellency here has not permitted me to furnish you with express instructions to stake the entire weight of our policy on the maintenance of M. Thiers, and to this circumstance, as will not be gainsaid by your Excellency, is in a great measure to be attributed the easy and unimpeded accomplishment of the change of Government.

"The colouring of your reports during the last eight months having been adverse to the tendency of our policy in France as advocated by me with His Majesty, and rendered the effective support of M. Thiers impossible to me, owing to the approbation they have received from His Majesty, I find myself under the necessity of taking upon myself the responsibility of this political error and the situation resulting therefrom, although, after the exertions which I have incessantly had

to make in the contrary direction, I cannot consider myself bound to do so.

“An influence such as that produced on His Majesty by your Excellency’s reports in opposition to the policy pursued by me is no longer characteristic of ambassadorial but of ministerial functions. It enters into rivalry with the legitimate operations of the Foreign Office, and this, according to the political code, is equally unjustifiable, as in its results it is fraught with danger to the country.

“Your Excellency neither lacks unimpaired energy nor leisure, which you can put to use by advocating with His Majesty, verbally and by letter, a different policy from that of the responsible Foreign Minister.

“My strength is exhausted by serious, responsible, and successful labour in His Majesty’s service, and I can no longer, in addition to my regular official duties in His Majesty’s Cabinet, make the necessary effort to sustain a contest against the influence of an Ambassador acting contrariwise to my policy.

“As I believe I may assume from your Excellency’s reports of recent date that you are likewise sensible of the difficulties which result to His Majesty’s service from this state of affairs, your Excellency will deem me justified in submitting to His Majesty the Emperor proposals which in my opinion are necessary for the maintenance of unity and discipline in the foreign service, and for guarding the interests of His Majesty and of the Empire against politically unauthorised malfeasance.

(Signed) “BISMARCK.”

It needs to draw a long breath after a perusal of this

remarkable document, in order to regain the mental calm necessary to bring one's mind to bear on the nature of its real import.

The saintly Origen was formerly condemned by several Popes and Councils for heresies which have never been found in his books. Thus it is with Count Arnim, if this despatch of Prince Bismarck is a condemnation which the Imperial Chancellor fulminates against him.

It is our task to refute the Imperial Chancellor step by step and to prove : —

1. That the despatch misrepresents the facts.
2. That it advances false theories of public law.
3. That it was unquestionably written under the impression of preconceived events which the Imperial Chancellor looked upon in the light of facts.

And, firstly, as to the misrepresentation of facts.

"In a series of reports extending over a period of eight months, your Excellency"—says Prince Bismarck—"has adhered to an opposite view, and caused it to obtain with His Majesty."

From the context it is not clear what view the Ambassador's reports have been opposed to.

According to the wording of the despatch the sentence would be held to mean that Count Arnim in his reports had combated the view that the best Government in France—in the German interests—would be that which would have to expend the greatest part of its energies in keeping its internal foes in check. This, however, is so directly contrary to truth, that Prince Bismarck has been unable to affirm the fact.

Count Arnim had expressed the opinion in November that Germany had no interest in the maintenance of Thiers's

dictatorship, as it would have placed too great a power in his hands.

This view may have been erroneous. It was not at variance with Prince Bismarck's opinion that Germany must wish for a weak Government in France. Indeed, it is likely that the Imperial Chancellor did not intend saying this. It is more probable that, according to the idea which had fixed itself in his mind, Count Arnim had for eight months back unceasingly opposed the Imperial Chancellor in his endeavour to support M. Thiers and to throw in his behalf the whole weight of German policy in the scale. This is another misstatement.

The question whether or not a prolongation of the Government of M. Thiers would be to the interest of the German Empire was never again mooted by them since the correspondence carried on between the Imperial Chancellor and the Ambassador in November and December, 1872, quoted previously.

We invite Prince Bismarck to produce reports of a nature to substantiate his assertion respecting the eight months' reporting. Such reports do not exist.

Certain special articles of the *Gaulois* Prince Bismarck would surely not wish to put forth as evidence, although he has not disdained to question the Ambassador in regard to a *communiqué* in that journal.

Reports may be found in which the view is expressed that M. Thiers might come to grief in consequence of certain political blunders; but there is a vast difference between the expression of the apprehension of this eventuality and an action directed towards M. Thiers's downfall.

The Prince further says:—

“Your Excellency's oft-expressed opinion that the development of affairs in France under the direction of M. Thiers

must become dangerous to the Monarchical principle in Europe has so far met with His Majesty's approbation that," &c.

It is not true that this opinion has been "oft asserted" by Count Arnim. The doubts entertained by Count Arnim in regard to this matter are contained in the private letter to Prince Bismarck already alluded to.

This question has nowhere else been touched upon;—certainly not since November, 1872.

And was there anything wonderful in that? Prince Bismarck and Count Arnim are both servants of His Majesty, to whom they have sworn allegiance.

If doubts arose in the mind of one of them as to whether certain political combinations might not prove injurious to the dynasty, was he justified in concealing them?

*It is to be hoped that Germany or Prussia—should it ever have the misfortune to lose its dynasty—will not present the melancholy spectacle of a nation in search of a ruler.** In such a case the German nation would know how to govern itself.

But so long as the dynasty is a living component of the national organisation, care for its welfare remains identical with that for the welfare of the Fatherland. Prince Bismarck ignores this feeling, as being both superfluous and impolitic. Well for him that he can be so unconcerned!

His conception would be still more justifiable were he able to guarantee that not a single day will a feeble and unpopular German Government stand by the side of an excellent French Republican Government respected both at home and abroad.

Such a one may well be imagined, and becomes more

*In the Imperial Chancellor's despatches the view is frequently enunciated that "republic" and "anarchy" are synonymous terms, which is an altogether mistaken idea.

probable as France year after year draws away from Monarchical traditions.

For the rest, Count Arnim has not laid such great stress on this side of the question as one is bound to believe if the reading be restricted to the Chancellor's despatches. He only said :—"The 'consolidation' of the Republic in France may be 'unpleasant' under certain circumstances."

Who is bold enough to assert the contrary ?

Does Prince Bismarck mean to lay down the principle that the internal condition of the neighbouring country is immaterial to Germany's internal development ?

Why, then, does he not allow himself to be actuated by that principle whenever a Government exists in Austria, Belgium, or France which according to its principles of home administration does not consent to be ruled by the passions at this moment dominating the entire policy of Prince Bismarck ?

Do we not observe in contrast therewith that he is at the pains even of interfering with the domestic legislation of other countries, so soon as it does not exactly coincide with any particular requirement called for by his own management of home matters ?

And should it not be permitted to make even a passing remark as to what influence the development of affairs in France might have upon the welfare of the dynasty, which is after all of greater moment than the securing of Bismarck's dictatorship ? But however this may be, we assert once more that Count Arnim has not "oft asserted" the opinion that the Republic in France might endanger the Monarchical principle. He has let the discussion on this subject drop all the more willingly that he himself deemed the matter neither important nor urgent enough.

We have now to prove further that the Imperial Chancellor in his despatch sets up theses of public law which are dangerous in the highest degree, and of a kind to render it impossible for any man of honour to serve under Prince Bismarck should they ever obtain general prevalence.

In the entire despatch, as we must admit, Count Arnim is not reproached in one single instance with having "acted contrary to his instructions," or of having obtained currency abroad for views openly differing from those of the Imperial Chancellor.

He is however reproached with :—

1. Having adhered to his opinion through a series of reports extending over a period of eight months.

2. Having exercised by his reports an influence which did not allow of the Imperial Chancellor's supplying him with certain instructions.

3. Having given to his reports a "colouring" at variance with the policy directed by the Imperial Chancellor.

4. Having thus entered into rivalry with the legitimate functions of the Foreign Minister.

These reports of the Ambassador the Prince then stigmatises as politically unauthorised, and openly declares that he must submit proposals necessary for the maintenance of "unity and discipline" in the foreign service, and for guarding the interests of His Majesty and the Empire against "politically unauthorised" malfeasance.

The theory here put forth by Prince Bismarck is one of the smartest inventions of Ministerial despotism.

It is declared in plain words that ambassadors and envoys are bound to "colour" their reports just as it suits the Minister to direct them.

All admiration for the Chancellor notwithstanding, few in

Germany would incline to assent to this theory. Were it to obtain in a general way, it would be simpler and more natural to have the ambassadorial reports prepared at Berlin.

We will admit that cases may arise in which the entire politico-fundamental views of the Ambassador are at such variance with those of the Minister that the two can no longer work together. But such was not the case here. At all events it has never been asserted that it was so. Prince Bismarck had kept aloof from all personal intercourse with the Ambassador.

In particular, the latter was in total ignorance of the fact that the Imperial Chancellor had repeatedly had occasion to "unsuccessfully recommend" to His Majesty, in regard to the opinion on French affairs expressed by Count Arnim in his former reports, "objections" which he had himself felt it indispensable to raise.

Count Arnim was not aware that the Imperial Chancellor "recommended objections unsuccessfully." Neither could anything lead him to imagine such a state of things to exist.

As a rule, the recommendations of the Chancellor are not unsuccessful. Let us only consider matters as they actually stood. When the November crisis was over the Ambassador was at great pains at Paris to ameliorate the position of M. Thiers. He took the initiative in negotiations with the President in regard to a convention with the object of an evacuation of the territory, and of which we shall speak further on; and he had the most interesting, although for the nonce purely speculative, *pourparlers* with the President on questions of Church policy — negotiations which, amongst other things, also aimed at consolidating peace by finding for France and Germany a mutual sphere of political activity. All these matters met with approval and with genuine sympathy at Berlin.

But, lo ! while Count Arnim was doing his best to render service to M. Thiers at Paris, the Imperial Chancellor at Berlin felt induced to damage in His Majesty's mind the influence exercised thereon by the Ambassador, who, as it was alleged, evidently sought, through his reports, to thwart the Imperial Chancellor's policy directed towards the maintenance in power of M. Thiers.

It has already been stated that such reports as by reason of their "colouring" might be inconvenient to the Chancellor do not exist. But assuming that they do exist—assuming that, unknown to himself, the Ambassador did, by means of his "reports," actually thwart the policy of the Imperial Chancellor, whilst he promoted it by his *acts*, what in that case was the practical course necessary to eventually recommend as politically consistent with the interests of the State ?

What was practically necessary in the first instance was to inform Count Arnim that the "colouring" of his reports exercised a pernicious influence upon His Majesty. In the next place, it was practically necessary to afford him the opportunity of taking a definite position in regard to questions concerning which he had unawares compelled the Chancellor to make "unsuccessful objections."

But it might also be that Prince Bismarck deemed it impossible to establish a harmony of ideas between himself and the Ambassador.

What, then, was the proper course to adopt in accordance with public right and the exigences of State ?

The raising of a Cabinet question.

How will Prince Bismarck—the most omnipotent Minister since the days of Stilicho and Pipin—ever explain and justify the fact of his having, as alleged, been during eight months engaged in a futile contest with an Ambassador who thwarted his policy ?

As these matters are managed at Berlin, nothing was easier for Prince Bismarck than to get rid of the Ambassador within a quarter of an hour were the assertion founded upon truth that the reports of Count Arnim operated in a manner "opposed to public law and dangerous to the country"—"jeopardised the interests of His Majesty and of the Empire in a constitutionally unauthorised manner," and finally also impaired the "discipline."

There can be no doubt that Prince Bismarck would have rendered himself guilty of a sin of omission had the state of affairs actually been such as represented in his despatch.

For it must be assumed from the logic thereof that the political blunder—namely, of having permitted the downfall of Thiers—for which Prince Bismarck had now to bear the responsibility—would not have been committed had the Imperial Chancellor raised the Cabinet question at the right time. If Prince Hohenlohe had gone to Paris even in May, 1873, M. Thiers—such appears to be the Chancellor's opinion—would still have stood at the head of affairs in France, and the dangerous consequences which the change of Government involved for Germany would have been averted.

Why did not Prince Bismarck take timely steps to this effect? This remains unexplained, or, rather, it is only to be accounted for by supposing that it was impossible for the Prince to thus address the Emperor:—

"Your Majesty,

"Count Arnim reports in a sense and with a colouring which do not correspond with my instructions and I pray that he or I be dismissed."

But Prince Bismarck could not say this—

1. Because Count Arnim *did not* report in the manner affirmed in the Prince's despatch; and
2. Because he was entitled and in duty bound to express his opinion as long as he held a responsible position.

As we have already observed, the Prince likes to compare military affairs with the diplomatic service. In the despatch of 23rd December, 1872, he compared the Ambassador with a brigadier. Casually conversing with a member of the Paris Embassy, he placed the Ambassador somewhat lower in his estimation. "*My* ambassadors," he said, "must wheel about at the word of command, like corporals, without asking why."

Prince Bismarck, on this occasion did not vouchsafe the degree of respect to which corporals are entitled. If the Prussian corporals were like what in the Imperial Chancellor's opinion *his* ambassadors should be, they would never have stormed the terrible heights of St. Privat with that self-consciousness of duty which will for all time find a place in the annals of the army.

We have said before :—

3. That the despatch of 19th June was written under the impression of preconceived events, which the Imperial Chancellor held to be facts.

The Imperial Chancellor knew, and must have known, that the reports of Count Arnim were incapable of exercising a decided influence upon His Majesty. He, however, manifestly believed that Count Arnim found means of maintaining with His Majesty a secret intercourse fraught with the most pernicious effect. This is stated quite clearly in the following words :—

"Your Excellency neither lacks unimpaired energy nor leisure, which you can put to use by advocating with His

Majesty, verbally and by letter, a different policy from that of the responsible Foreign Minister."

Undoubtedly Prince Bismarck intended to signify by these words that written and verbal communications had been made to his Majesty *behind his back*.*

It would otherwise be totally impossible to understand how the Imperial Chancellor could detect in the reports passing through his hands to the Emperor the signs of a tendency to invade the "legitimate functions" of the Minister.

To these "legitimate" functions the term "illegitimate" is raised in opposition. This expression can only apply to an influence exercised behind the Minister's back.

Likewise, when the Chancellor talks of the "leisure" of the Ambassador, he can only mean the "leisure" left to him for exercising "secret influences."

By the foregoing details we believe to have adduced the proof that the despatch of 19th June, 1873, if reduced to its elements, meets with its own refutation. Indeed the facts from which it starts are just as erroneous as the theories which it advances. There still remains, however, to explain a most remarkable circumstance which throws a singular light upon the despatch which we have just been considering. This, be it observed, has reference to the documents which Count Arnim was asked to restore, a demand he refused to comply with because he considered them to be his property. Notwithstanding, this document has disappeared from the indictment. The Public Prosecutor, in fact, made no allusion to it whatever.

It cannot have been done out of regard to foreign countries,

* Count Arnim did not see the Emperor on one single occasion from the autumn of 1872 till September, 1873. How, then, could he influence him "verbally?"

for there is not a word in the despatch which would be more offensive to the French than many others which have been recklessly published. If, nevertheless, the Public Prosecutor by desire of the Foreign Office did not include this document in the indictment based thereupon, he can only have omitted doing so because the publication of this particular despatch would have been particularly disagreeable to the Imperial Chancellor. To Count Arnim, however, it proved a grievous disadvantage that this despatch was excluded from the indictment. Had it been submitted to the court and made public with the rest of the documents bearing upon the suit it would have been easier for the accused to furnish the proof that he rightly considered the claimed documents to form part of his private papers, as was the case, because of various other documents, and particularly that in question, having been arbitrarily excluded from the indictment.

The removal of this despatch from the entangled mass of *corpora delicti* had for Count Arnim about the same importance as would have been the case in a civil law suit had the plaintiff been allowed to submit his accounts while the defendant was debarred from producing the receipts.

Why the Imperial Chancellor wrote the despatch dated 19th June, 1873, still remains a mystery.

An explanation of this proceeding is only to be found in the supposition that, during the period that elapsed from January to May, 1873, something happened which rendered it desirable for the Prince to aim a decisive blow at the Count. After all we know, we must assume that such a desire undoubtedly arose in the Imperial Chancellor's breast. An indication—nay, a proof—of it is to be found in the intentional

or unintentional confusion caused by the negotiations which led to the conclusion of the Convention of 15th March, 1873.

This is the place to speak of this singular coincidence, which has played a conspicuous part in the conflict between Prince Bismarck and Count Arnim, but which was not broached at the trial.

Amongst the documents read at the trial is a report of Count Arnim of 7th February, which we reproduce *in extenso*, as being of importance in judging of this special case now to be dilated upon.

The report is addressed to Prince Bismarck :—

No. 21.

“ Confidential.

“ Paris, 7th February, 1873.

“ His Highness the Imperial Chancellor Prince Bismarck.

“ In continuation of my report No. 20 of the 5th I have the honour to make the following observations :—

“ In the course of conversation M. Thiers, with some warmth, put this question to me :—

“ ‘ *Foi de galant homme* ’ ; tell me whether it is true that your Government intends seeking another war with France as soon as we have paid ? *Je suis sûr que vous me direz la vérité. Après avoir traité avec moi les plus graves affaires, où vous avez pu constater ma bonne foi, vous ne voudrez pas faire jouer à un vieillard un rôle de dupe ridicule. Je répète que je veux la paix, la paix, et encore la paix. Le pays, malgré les apparences, la veut aussi. Il maudît ses juges, mais il accepte le verdict, Ainsi dites-moi la vérité en gentilhomme.*’

“ I believe that the question put to me did not justify me in

stating a *fin de non-recevoir* as a reason that I could not allow myself to be forced into the alternative between the *foi d'un galant homme* and *les devoirs d'un ambassadeur*.

"I have therefore not hesitated to tell the President that according to my firm and honest conviction neither His Majesty the Emperor, his advisers, nor the nation in general planned, meditated, or even deemed a war with France to be desirable.

"What interest could we have in seeking a quarrel with France? He—M. Thiers—should not forget that war had imposed upon us heavy and grievous sacrifices which would not by far be counterbalanced by its conquests. A fresh war would entail fresh sacrifices on every single individual for which he could not be individually indemnified by any treaty of peace, however advantageous.

"Consequently he might rest assured, once and for all, that the Germans, albeit martial, could never be warlike neighbours. But the *warlike propensities* of the French nation were quite a different thing. It could not escape my notice that a mass of hatred had accumulated in France, which must explode somehow, and at some time or other, as hitherto the gradual suppression of the strained high temperature had not become probable. A great danger existed in this disposition of the nation, regarding which he could no more than I deceive himself. M. Thiers reiterated his assurances, and expressed the hope that probably the belief in permanent friendly relations would gradually be confirmed.

"After all, the President's love of peace and the disposition of the nation, as far as an imminent danger of war is concerned, is in my opinion of no moment.

"If M. Thiers possessed an army ready for fighting, and

hated war just as much as he instinctively likes it, his assurances would be without any value whatever.

"What to my mind is essential is the established fact, according to all the observations of my military advisers, that the French army will not during the next few years be in a position to wage even a short war with us.

"To try to pick a quarrel with us would be an act of madness, which even the unfathomable French nation cannot be deemed capable of.

"Even in the event of Germany being involved in hostile complications with other countries in the course of this or next year, France could only become an unimportant ally of our enemy.

"Therefore, if, in passing an opinion upon the proposals of the President, the military capacity of France is to be taken into account, we shall be able to assume, without rendering ourselves guilty of thoughtlessness, that the Gallic sword will not, till the middle of next year, fall heavier in the scabbard than, for instance, the Belgian armaments.

"And as complications with other nations, during the year 1873, are not to be apprehended, we may leave the French army as a factor of calculation entirely out of the question.

"Starting from this point of view, I arrive at the conclusion that it would serve our interests more than those of the French if, under certain conditions, we proceed to the evacuation desired by M. Thiers still earlier than he has himself proposed. These conditions are as follows :—

"1. France pays the rest of the fourth milliard in fixed instalments, as equal as possible, by the 15th May, or by the 15th June.

"2. France transfers to us between the 1st of May and the 15th June her bills of exchange to the amount of 600-700 millions.

"3. The sums then outstanding, amounting to about 400 to 500 millions, France pays in monthly instalments, which from the 1st July are to be made fortnightly, so that the last must be made on the 1st November.

"N.B.—Should France wish to increase the bi-monthly payments no objection should be offered to her so doing. I advise bi-monthly instalments in order to increase the opportunities of expostulating with France on the score of unpunctuality.

"4. During the month of October a mixed commission is to meet at Belfort for the settlement of accounts, which must have concluded its labours up to the last date of payment, so that the entire liquidation shall be definitively concluded with the last payment.

"5. Until after the termination of the liquidation, and consequently until after the last payment has been made, the fortress of Belfort remains occupied by a German garrison of men.

"Three days after payment of the last instalment Belfort shall be evacuated.

"6. Until the 1st March, 1874, the four departments of the Vosges, Ardennes, Meuse, and Meurthe shall remain neutral ground.

"The French Government may neither erect fortifications there, &c., nor keep therein other troops than the detachments necessary to the maintenance of order. A commission of Prussian officers belonging to the general staff, consisting of a colonel, a major, and a captain, may at any time demand to go over the departments, under the guidance of a French commission, composed of officers of equal rank, and to

be led to the places required to be inspected, so as to be satisfied that the neutralization regulations are being carried out.

"7. Should the dates of payment not be observed, or should it be found that the French Government has acted contrary to the stipulations of § 6, the departments of the Ardennes and the Vosges may again be militarily occupied by an army of 50,000 men.

"Should M. Thiers agree to these conditions, I believe we may grant him a concession which will surprise the world, and himself above all, viz. :—

"That between the 1st and 15th April we commence the evacuation, which shall be completed by the 1st May.

"Should it otherwise suit us so to do, we shall be able without any risk whatever to commence the evacuation even earlier.

"Your Highness will have perceived why an arrangement such as I have the honour to propose appears most to correspond with our interests, and more so than by insisting on the provisions of the Convention of 29th June.

"My train of thought will become more apparent to your Highness if you will have the goodness to realise the state of affairs in the event of our simply declining any negotiations whatever on the basis indicated by the President.

"There can be no question that M. Thiers would then make great sacrifices in order to pay the fifth milliard by the 1st or 15th of August. We should then, according to the terms of the treaty, be obliged to evacuate the country, and thus lose all further influence upon France.

"Between the occupation with 50,000 men, which must in the last stage of the period be felt to be doubly burdensome, and the complete liberation of France, there would be an

interim during which we might still control the country without bearing so heavily upon it as hitherto.

"If, however, an arrangement such as I propose is come to, the burden would soon be lightened; whereas, on the other hand, it would be felt for a longer period, that is, up to the expiration of our occupation of France, in accordance with the stipulations of the Peace of Frankfort.

"The French will be apt to forget that we are still at Belfort, and that we may return at any time. A word, however, will always suffice to call them to order; but we may still be placed in a position to picture to ourselves the state of affairs that will ensue when, both materially and morally, our occupation is completely at an end.

"The provisional condition of internal affairs in France will be prolonged, or perhaps be incapable of expanding in a direction we should decidedly not approve of.

"One might conceive an express stipulation giving us the right of reoccupation, even in the event of a change of Government. But such a stipulation is unnecessary, inasmuch as a serious and violent internal crisis would under all circumstances cause a certain irregularity in the payments, sufficient in itself to entitle us to reoccupation. Neither can the President seemly consent to such a stipulation even should he desire it.

"To all these considerations there must be added one of a more general nature.

"Your Highness is aware that I am not sanguine in my own mind as to the effect of a so-called conciliatory attitude towards the French, nor do I quite comprehend why they should not be left to be the first to feel the want of reconciliation, the more so as we do not, after all, entertain any ill-feeling against them.

"On the other hand, I may meanwhile remind your High-

ness that I do not expect time even will bring about a reversion in the French mind ; it will result rather from an unforeseen event. Such an event would be, perhaps, the totally unexpected evacuation of the four departments—the fortress of Belfort excepted. And I can very well imagine that the French, in their joy at this event, would forget a number of things, and, amongst others, the change for the worse in their condition, which in the main would follow on their acceptance of my propositions.

“In order to produce such an effect it would, however, be necessary that the negotiations be conducted and concluded with the most profound secrecy, and before a word transpired to the public.

“It would further be desirable to fix as early a date as possible for the commencement of the evacuation, so that the apparent concession might be all the more dazzling. In effect, however, this concession is only apparent, not real.

“At the time of the French occupation of the Papal States it was aptly remarked that a tricolored flag and a drummer at Civita Vecchia would fulfil the object of the occupation just as well as the entire division.

“Affairs are now in exactly the same position between France and ourselves.

“The garrison at Belfort and the certainty that in case of need we shall return guarantee, equally with the army of occupation, the fulfilment of such conditions of peace as are not yet entirely carried out.

“The effect which a prompt decision in the direction indicated would produce in other countries I estimate still higher than that produced upon the opinion in France. The French, I think, would be greatly blamed if they subsequently showed themselves ungrateful, and acted in an unruly manner, after our adoption towards them of an

attitude which all Europe might deem at the first blush to be an almost wanton concession.

“After mature reflection on all the questions to be taken into consideration in reference to this matter I cannot consequently refrain from expressing my conviction that a treatment of the affair such as I advocate can in no way prove detrimental to us, but, on the contrary, that it is of a nature to secure to us further advantage in the shape of an apparently important, and to the French Government really valuable, concession, which would escape us were we to stand upon the letter of the treaties.

(Signed) “ARNIM.”

From this report it will be gathered that it was Count Arnim who first conferred with M. Thiers on the question of a further settlement in reference to the accelerated evacuation, and endeavoured to find a basis on which the Imperial Government could meet the wishes of the President of the Republic.

Count Arnim has been accused of entertaining a systematic antipathy towards M. Thiers and his mode of government.

It has already been shown how far this tallies with truth, and to what extent it has proved a falsehood. Although many things in M. Thiers's system of government may have appeared to him questionable, yet the report just given furnishes a proof that he did not in his political dealings allow himself to be influenced by the February eventualities.

The convention which M. Thiers desired had also for its object, among other things, to ease the position in which he was placed.

If Count Arnim had intended to overthrow him, it would have been easy for him to eschew conversations respecting the question of evacuation, or to report on them in such a manner as to leave them without a meaning.

Despite these facts, the press which receives its instructions from the Foreign Office, and amongst others the *Cologne Gazette*, was not ashamed to say that M. Thiers's deposition on the 24th March was owing to Count Arnim having frustrated the conclusion of a convention in regard to the evacuation. With such a convention in hand, said the officious paper, M. Thiers would have been invincible. This convention, however, was, through the exertions of Count Arnim already signed on the 15th March, and the National Assembly in Versailles had solemnly passed a vote of thanks to M. Thiers for the same. And yet, according to a correspondent (writing under the sign Δ) of the *Cologne Gazette*, M. Thiers's downfall on the 24th May was due to his not having in his hands a convention which had already been signed on the 15th March, i.e. ten weeks previously!

It has besides transpired that Count Arnim did not think that the hasty payment of the balance of the five milliards would serve the interests of Germany. His opinion was that every French Government imaginable would fulfil the obligations of the country, so that the disadvantages resulting from so very rapid and extraordinary a transfer of bullion would be obviated without injury to the finances of the German Empire. He knew that the French financial administration could offer perfectly satisfactory securities. He was aware of France's extraordinary elasticity, her resources as to ways and means, and he had convinced himself that trustworthiness in money matters, both in private and public transactions, was a prominent trait of the French character. In that respect the French nation is second to none, but, on

the contrary, stands forth as an example for others to follow. It was deemed by all and every one a point of honour for the country to pay her debt to Germany, independently of whom she was to be ruled by. It was therefore the wish of the Ambassador to afford the French nation facilities of payment, but, on the other hand, to secure to the German Government, by means of a prolongation of the right of occupation, a certain influence over the political development of France.

In Berlin other views obtained. Fiscal interests ever take precedence there of politico-economical interests. Even when the Government rolls in gold the country remains poorer than its neighbours.

There was therefore no chance of Count Arnim's ideas being approved of. The Imperial Government wanted by all means to grasp the five milliards as quickly as possible, although most likely at present not a penny of the indemnity is to be found in Germany.

Thus the task of obtaining a prolonged neutralization of the departments to be evacuated became more difficult, there being no equivalent to offer.

At the present time everybody must be aware how important it would have been to secure the neutralization for a longer period, and thereby the right of reoccupation without a declaration of war.

The whole of that mischievous episode through which Germany passed during the months of April and May of the present year, in consequence of the mysterious and frivolous manœuvres of the officious press, would have become absolutely impossible.

That the extension of the period of neutralization was an object to be desired was moreover acknowledged in Berlin, and Count Arnim was directed to obtain it, if possible. The attempt had therefore to be made.

We shall see, however, by what strange manipulations he was precluded from every possibility of success.

On the 4th March, 1873, the Ambassador received the draft of a convention with France approved of by His Majesty, and accompanying it an explanatory instruction in which, among other things relating to the neutralization of the four departments, he was told what follows :—

“In the report of your Excellency of the 22nd of last month it is proposed that the neutralization should be extended to the 1st March, 1874.

“That a corresponding obligation on the part of France would be desirable is evident, and I do not hesitate to authorise your Excellency to prolong the same if you consider the concession attainable.”

Besides this, Count Arnim was informed of the following in regard to the fortress of Belfort :—

“To keep Belfort garrisoned until the *complete* payment of the war indemnity, *with interest*, is for us a political *necessity*. We should be unable to justify an earlier evacuation of this place before public opinion in Germany, and I request your Excellency to allow no doubt to exist as to this point being *absolutely necessary* to ensure a full understanding.”

This sketch, drawn up in the German language, Count Arnim in its essential points literally translated into French. But whilst in the draft sent from Berlin the “5th of September, 1873,” was given as the termination of the period of the neutralization of the four departments to be evacuated—the Vosges, Ardennes, Meurthe, and Meuse—Count Arnim, in order to make the best use of the scope left him, changed that date in his translation to the “1st March, 1874,” as the final term of neutralization.

Even to a tyro in diplomacy it must be evident that Count Arnim, whose task it was to obtain a concession, “if possible,”

could not present to M. Thiers at the very first conference a draft from which the President could gather that the German plenipotentiary would conclude a convention even were he to fail in obtaining the concession in question.

With this draft Count Arnim early in the morning of the 5th March, 1873, proceeded to Versailles, and communicated its contents to M. Thiers.

The President was seriously ill, which circumstance Count Arnim telegraphed the same day to Berlin, and could not therefore go thoroughly into the case in point.

M. Thiers, however, agreed to have a personal conference with the Ambassador on the following day. Count Arnim, nevertheless, left the draft of the convention upon the President's desk.

It must be observed that to preclude the possibility of any simulated corrections all mention of the reservation in regard to Belfort was expressly left out of the draft. There already existed, however, between the President and the Ambassador, as a consequence of previous conversations, a perfect understanding on the matter, namely, that Belfort should remain garrisoned until complete payment, albeit this reservation was by no means to the President's taste. On the other hand it was already known to the Ambassador that the President wished to insert a separate article in relation to Belfort. A report of Count Arnim of the 8th of March contained thereupon certain details which cannot be given here.

The articles in the draft which required no further discussion were only briefly indicated in an abridged form, as it was quite needless to notice them until the final wording, which had to be settled with the Minister for Foreign Affairs, M. de Rémusat.

The illness of the President prevented his receiving the German Ambassador between the 6th and 7th of March.

Telegrams from M. Barthélemy Saint-Hilaire apprised Count Arnim of the fact.

It was only on the 8th of March that Count Arnim was able to see M. Thiers. In the mean time, actuated by the desire to be useful to M. Thiers, and in the interest of both countries, Count Arnim telegraphed to Berlin to inquire if it were not possible to commence the evacuation at an earlier date than was originally intended.

This would have been of great service to M. Thiers, and it was to the interest of the German army of occupation that the last 50,000 men should return home as soon as possible.* The answer of the Prince was negative, and, though without cause, an angry one. From his telegraphic expressions it was to be gathered that after all he did not much care for the convention.

"C'est à prendre ou à laisser," he therein said . . . "We can wait" . . . and so on.

It is true that no time was lost by this telegraphic correspondence. The draft of the convention was communicated to M. Thiers officially, and in writing, on the morning of the 5th March, and no discussion with him could have taken place, because he was ill.

On the 8th of March Count Arnim repaired again to Versailles. The President had in the mean time drawn up a counter-draft.

This latter agreed in its essential points with that presented to him by Count Arnim. It contained, however, a surprising deviation in regard to the neutralization of the departments to be evacuated.

As mentioned above, and in conformity with his instructions,

* This could have been done forthwith, as soon as they were ensured of the right of reoccupation.

Count Arnim had designated the 1st of March, 1874, as the last term of the neutralization.

But according to the draft of the President the neutralization was to cease on the 5th September, 1873—that is, *on the very day mentioned in the draft sent to the Ambassador from Berlin*, and which in Berlin they were resolved to accept, if nothing better could be obtained.

“Where did the President get that date from?”

Count Arnim drew the President's attention to that discrepancy. But the President rejected with some show of irritability the proposed neutralization until the 1st March, 1874, which was all the more remarkable that on other occasions he had treated that question with complete indifference.

As the President was still suffering from indisposition the Ambassador did not further dwell on this point of difference. He hoped that it would find a better solution later on.

Count Arnim had not the slightest conception of the true meaning of the unexpected contradiction, which he only subsequently discovered through some expressions dropped by the President.

M. Thiers, for instance, had already through another channel—in fact from Nancy, the head-quarters of Baron Manteuffel—received the text of the draft of the convention, which had been drawn up in Berlin, and in which the neutralization was fixed for the 5th September, 1873, only.*

* In April, 1540, the Venetian Government sent Lodovico Badouer to Constantinople, in order to treat about the peace. He was authorised to make to the Porte the cession of two towns. But the Divan knew the secret instructions of Lodovico Badouer, and demanded besides the islands of the Archipelago. Peace was concluded, but Badouer was compelled to make a cession of both the towns and to pay 300,000 ducats. They were incensed at Venice at Lodovico's want of diplomatic skill. He justified himself, however, by proving that he had found the Turkish Ministers perfectly aware of his instructions, and that it was therefore impossible for him to

The while Count Arnim was instructed to obtain a concession, his efforts were frustrated in advance *behind his back!* Under such circumstances it was of course difficult to persuade the President to give way.

On the 9th March Count Arnim sent from Paris to Berlin, through "franc-tireurs" acting as imperial messengers, complete reports of his negotiations.

It was evident from these documents that the Ambassador had communicated to M. Thiers the propositions of the German Government.

These messengers, providing there were no impediments on the railway, should have arrived in Berlin on the evening of the 10th March. According, however, to a telegram of Herr von Balan, they, singularly enough, only arrived on the 11th March.

However that may be, in the Foreign Office there could not exist a doubt from ten o'clock in the morning of the 11th March that Count Arnim had already in the forenoon of the 5th March communicated to the President the propositions of the German Government.

Nevertheless, the Ambassador received in the evening of the 11th a telegram from the Imperial Chancellor, dated the 11th, 4.35 P.M., in which it was stated:—

1. That the "garrisoning of Belfort" until the 5th of September, 1873, remained a *conditio sine quâ non*.

2. That the Chancellor of the Empire did not understand from the telegrams till then received whether the Ambassador had or had not communicated officially the German propositions, and what reception they had met with.

deceive them. In the course of time it was discovered that the instructions were traitorously communicated by Nicola Lavezza in conjunction with his brother, and Maffeo Leone, together with some French spies. The Senate had as many of the culprits as could be got hold of, hanged between the two columns on the Piazzetta.

The Ambassador finally received in that telegram the order, to be at once carried out, to communicate the German propositions, and to report that such communication had been made.

On *March the 13th, in the morning*, Count Arnim received a second telegram dated 12th March, 11 P.M., which contained in regard to the above question an order to him from the Emperor to communicate at last to the French Government the German draft of the convention, the existence of which it was alleged had been unknown to M. Thiers, according to his own statement, up to the evening of the 10th March.

The Emperor—so said the Imperial Chancellor—ordered his Excellency to announce on the 13th by telegram the execution of the Imperial commands. But on the 11th March in the afternoon, as well as on the evening of the 12th March, the Imperial Chancellor was already in possession of Count Arnim's reports, which showed that the German propositions had been already communicated to M. Thiers on the *5th March*. If M. Thiers had really said that he had not yet on the 10th March been apprised of the existence of the German draft of the convention, in that case either the reports of Count Arnim contained an untruth, or M. Thiers had made a false statement.

But how explain that Prince Bismarck, in his instructions to Count Arnim, pretended never having received his reports at all?

He *had* received them—the telegram of Herr von Balan admits no doubt on that point. It is, however, possible that he did not read them. For it is said that he was particularly excited on those days, and that he had only left his bed at three o'clock in the afternoon.

But it will also be seen from the Imperial Chancellor's telegram that the reports of the Ambassador had *not been laid*

before the Emperor. For, otherwise, His Majesty could not on the 12th have given to Count Arnim orders which had already been executed *on the 5th.*

This, however, is not all.

On the morning of the 13th Count Arnim went to M. Thiers, and asked him how he could say that he knew nothing of the existence of the German draft of the convention.

M. Thiers replied that he never said anything of the kind. He might perhaps have made a careless statement of some sort to the French Ambassador in Berlin, which might have caused this much-to-be-regretted misunderstanding. He had been led to this by the discrepancy between the draft communicated to him by Count Arnim and that penned in Berlin, which he had received *through another channel.* M. Thiers then expressed the urgent wish that the signing of the convention at Versailles should take place with as little delay as possible. He wanted to have it signed already on the 13th.

Count Arnim was not in a position to agree to this being done, because, after all that had happened, he required special plenipotentiary powers from Berlin.

On the 14th M. Thiers telegraphed to him :—

“ Mon cher Comte,

“ Je vous attends, comme il a été convenu, à Versailles, aujourd’hui à cinq heures, ne prévoyant, d’après tout ce que j’ai reçu de Berlin, aucune difficulté possible.

“ A. THIERS.”

Count Arnim had, however, in the mean time already received from Prince Bismarck the order *not to sign* at Versailles, because *he*, the Chancellor, would sign the convention in Berlin with the French Ambassador, with whom he had agreed thereupon.

At the time, therefore, that tedious and delicate negotiations

which Count Arnim had been the first to set afoot, and which he had carried to a satisfactory issue—so far as they had not been rendered impossible by the probably entirely unintentional intervention of the head-quarters at Nancy,—at the very moment when these negotiations should have come to a conclusion, they were transferred to Berlin.

This action which, according to the traditions of diplomacy, can be understood to imply nothing less than disapproval of the person entrusted with those negotiations, could only be looked upon by Count Arnim as a personal insult; the more so as it evidently resulted from peculiar misunderstandings detrimental to himself, and in respect of which it will be difficult to determine as to their having been unintentional or not.

In Paris, too, this occurrence gave rise to just apprehensions. M. de Rémusat wrote to Count Arnim the following note:—

“ Paris, le 15 Mars, 1875.

“ Monsieur le Comte,

“ Je ne veux pourtant pas laisser passer tous les incidents de ces derniers jours sans vous témoigner les vifs regrets qu’ils m’ont laissés. Jamais je n’aurais été plus heureux et plus honoré de mettre mon nom à côté du vôtre.

“ Mais des volontés venues de Berlin ont modifié tous nos projets, et aucune initiative n’est venue de nous. Je reçois d’ailleurs des nouvelles satisfaisantes, et si, comme je n’en doute pas, elles se réalisent, il m’est doux de penser que votre juste influence aura contribué à cet heureux résultat.

“ Veuillez, etc.,

(Signé) RÉMUSAT.”

In a similar sense wrote also M. Thiers:—

"Dimanche, le 16 Mars, 1875.

"Mon cher Comte d'Arnim,

"J'aurais voulu vous écrire dès hier soir. Malheureusement je n'en ai eu ni le temps ni la force; mais je serais aujourd'hui un ingrat (ce que je ne suis et ne serai jamais) si je ne me hâtais de vous remercier des services que vous avez rendus à moi et, ce qui vaut mieux, à la France dans la longue négociation qui vient de finir. Vous savez que nous ne sommes pour rien dans l'incident qui a transporté la signature à Berlin. Mais le lieu de la conclusion n'est rien dans tout cela. Vous n'en serez pas moins à nos yeux l'un de ceux qui auront le plus contribué par votre haute raison à un résultat destiné à terminer effectivement l'affreuse guerre de 1870. A vous de cœur avec autant d'amitié que de haute et profonde estime.

(Signé) "A. THIERS."

These two letters will show that the French Government did not entertain the idea of having been imperfectly informed by the Count.

But the opinion was propagated from Berlin, and disseminated by all papers in relation with the Imperial Chancellor, that Count Arnim had intentionally delayed the conclusion of the convention, and that it had therefore been necessary to transfer the negotiations to Berlin.

The Imperial Chancellor continued until very recently to make this altogether false assertion, although the contrary can be proved by the depositions and the written evidence.

Even as late as June, 1874, this calumny appeared in the English journal the *Hour*, a paper under the influence of Count Münster (the German Ambassador in London), who in turn acts under the guidance of Herr Aegidi (the chief of the Berlin Press Bureau). The *Hour* is destined to hatch the

eggs which are laid in the semi-official establishment for breeding *canards* at Berlin, so that they may return to Germany in the shape of original English pigeons—in the same manner as German potato spirit is carried to France in order to be reimported as cognac.

The whole procedure was remarkable in the highest degree. Between the 5th and 8th March even Prince Bismarck was in no particular hurry. “C’est à prendre ou à laisser”—“We can wait.”

Then all at once he manifested the greatest impatience. Sleep and appetite deserted the Imperial Chancellor, who gave way to a nervous and hourly-increasing anxiety lest the convention should not be signed exactly on the 15th.

But why just on the 15th?

According to various accounts Herr von Bleichroeder (the great Berlin banker) is said not to have been without influence in this matter. For Prince Bismarck the result was extraordinary, and favourable in every respect.

Herr Lasker made him the subject of a panegyric, and his wise love of peace was loudly extolled.

In Paris M. Thiers was congratulated by the National Assembly. The French Ambassador at Berlin was likewise distinguished in a conspicuous manner.

Count Arnim, to whom unquestionably the chief merit of this diplomatic success is due, was accused of having directed his activity towards preventing the convention, and hence the suspicion that in so doing he had been actuated by the most strangely interested motives.

We may no doubt be allowed to ask whether all these occurrences do not clearly point to the existence in an influential quarter of a tendency to injure Count Arnim's reputation.

Count Arnim could not quietly pocket the insult thus offered him.

After vainly waiting for an explanation promised but never vouchsafed to him by the Imperial Chancellor, he, on the 8th April, addressed the Emperor, praying for an investigation of the matter.

We quote the following from Count Arnim's application :—

“After all this, your Imperial Majesty, it is certain that truth has been wrecked in some place or other, and your Majesty will not take it ungraciously if I most humbly beg that you may be pleased to cause the spot where this occurred to be determined.

“Unfortunately I cannot conclude my most humble statement with this request. The present Ambassador of your Imperial Majesty has conducted all the negotiations which were to be carried on since the peace of Frankfort to the satisfaction of the contracting Government.

“And yet these negotiations were more difficult than those which were brought to a conclusion in the convention of 15th March. But any one who reads without commentary the telegrams which reached me from the Imperial Chancellor since the 15th March will be unable to throw off the impression that your Majesty had at Paris not only an untrustworthy but also an extremely unskilful Ambassador.

“This impression can only be strengthened by the fact that the negotiations were suddenly transferred hence to Berlin. Indeed there is nothing in the document before us which could justify the remarkable fact that the Imperial Chancellor, at the moment when I had achieved here with the French Government a complete agreement corresponding with the intentions of your Majesty, felt himself obliged to

negotiate with the French Ambassador and to transfer the signature to Berlin."

Further on in this letter the Count says:—

"I should not even have ventured to trespass on your Majesty with matters which are only partially of personal importance, had I not been forced by Prince Bismarck himself to bring them to your Majesty's knowledge in a direct letter.

"For already on the 15th March, when the Imperial Chancellor informed me by telegraph that he had concluded the convention with the French Ambassador, he promised to give me a more detailed account. This has not been vouchsafed me to this day.

"On the other hand, however, it has come to my knowledge that the Imperial Chancellor even now explains to others that I have not executed the instructions given me by your Majesty's command.

"Moreover, the French public has been informed of the views of the German Foreign Office in the *local* journals by letters from correspondents at *Berlin*, of which I do not fail to enclose a correspondence from the *Temps* as an example.

"Similar communications from correspondents appeared likewise in the *Moniteur*, the *Français*, and in the *Gazette de France*.

"M. de Rémusat also has been at pains to trace the origin of these communications, which assert facts here considered erroneous, but agreeing with what, according to the correspondence exchanged between the Imperial Chancellor and myself, appears to be the view of his Highness.

"Such discrepancy of opinion as that evidently existing between the Imperial Chancellor and your Majesty's Ambassador, and brought as it is to the knowledge of the French public, cannot endure without injury to the Imperial service.

* * * * *

"I therefore beg once more to most humbly address to your Imperial and Royal Majesty the request that you will deign to order an inquiry as to whether and by whom truth was violated in this matter; whether or not I have obeyed my instructions in every single instance, and whether according to the usages of Diplomacy a reproach attaches to me of a nature to justify the grievous wrong done to me.

"I am conscious that under ordinary circumstances I should, in obedience to the code of loyalty, feel bound to inform the Imperial Chancellor that I have addressed this most humble letter to your Imperial Majesty. But I cannot ignore that by so doing I should make it difficult for your Majesty to dispose of this matter in a way which your Majesty in your wisdom will perhaps deem better suited for the good of the public service and the dignity of high officials than the inquiry solicited by me, albeit I am at a loss to find out that way.

"I most humbly submit, then, that your Imperial and Royal Majesty will be pleased to deal with my letter most graciously according to your most high judgment, and I venture to express the assurance that the communication to the Imperial Chancellor cannot but be agreeable to me," &c.

Before we tell the fate of this direct report to His Majesty, we cannot refrain from once more reverting to the history of the negotiations, and to mention a detail which throws a singular light upon the manner in which on this occasion "Diplomacy" was enacted.

It will be remembered that the instructions given to Count Arnim were, "not to allow a doubt to arise on the fact that the occupation of Belfort until the complete payment of the war

indemnity, with interest, was absolutely indispensable for the success of the agreement."

Any one acquainted with the convention of March 15th knows also that Belfort was delivered up nevertheless, and that in its stead Verdun remained occupied until completion of the payments.

Considering the taunt of disobedience so often addressed to Count Arnim, one might be led to believe that he had made concessions of his own accord in regard to this point also.

Such, however, was not the case.

Count Arnim, although he himself attached no importance to Belfort, had not admitted to M. Thiers the possibility of a concession in regard to the fortress. Neither did M. Thiers make any objections further than to give expression to his disappointment.

On the 10th of March, however, Count Arnim received a telegram dated March 10th, 4.14 P.M., notifying to him that, "according to a communication from General Baron von Manteuffel it was feared in French Government circles that Germany intended to retain possession of Belfort. If such an apprehension was felt for Belfort, Toul might be substituted."

Count Arnim immediately replied that such apprehension undoubtedly did prevail, and that this apprehension was availed of in view of discrediting M. Thiers, and showing that he was not equal to his task if he failed in obtaining the evacuation of Belfort, which had quite assumed the character of a legend.

Meanwhile Count Arnim proposed retaining the fortress of Verdun, as in some way belonging to Metz, instead of the fortress of Toul, an important but very far-outlying position.

Verdun, in fact, was after all inserted in the convention of

15th March instead of Belfort, and it remained in the hands of the German troops until after complete payment of the war indemnity.

This telegraphic correspondence between the Imperial Chancellor and the Ambassador took place on the 10th March.

On the 10th, therefore, the Imperial Chancellor had already declared himself ready to induce the Emperor to abandon Belfort, and, as matters stood, Prince Bismarck could have had no doubt as to obtaining this concession from His Majesty.

On the 10th Count Arnim had recommended in his reply to agree to this most valuable concession to M. Thiers.

It was therefore a most easy matter, and one that might have been expected to have been acted upon, to instruct the Ambassador on the 11th to meet M. Thiers in the way desired, since the powers at Berlin had resolved, as proved by the result, to relinquish Belfort; instead of which communication, however, Count Arnim received a telegram dated the 11th, 4.38 p.m., which contained the order "to firmly insist upon Belfort."

Any one looking at all these facts in the light of the events which have since taken place cannot help considering as not altogether devoid of logic those who believe that in all these occurrences they can see the proof—

"That the Imperial Prince Chancellor on the 11th March, 4.38 p.m., was already carrying out his scheme of forcing Count Arnim into an untenable position."

The news had reached the President *via* Nancy that the Count was merely chopping the air when contending for the neutralisation of the four departments until the 1st March, 1874.

And now Count Arnim was prevented making to M. Thiers on the 11th March a concession which had already been determined upon at Berlin.

What could be the object of all this manœuvring other than to weaken the confidence of the President in the German Ambassador, and of gradually surrounding the latter in such a manner as to force him into a position which lowered him in the eyes of France as well as of his countrymen?

Count Arnim was placed in a position to say with Marshal Villars:—"My enemies are not beyond the frontier, but at the Court of the King."

It does not, perhaps, exhibit the perspicacity of the German Ambassador in a very brilliant light that he did not from the first clearly discern the "tendency" of the manœuvres directed against him.

He will, however, be excused when it is considered that at the time he had no motive for suspecting in these symptoms of the "justified" peculiarities of the Imperial Chancellor anything more than a mere passing caprice.

Persons who were closer observers of the course of affairs are of opinion that the part played by General von Manteuffel on this occasion is not clearly made out. It is, however, undeniable that the General, who acted in obedience to the Prince's orders, was ignorant of the "tendency" he was instrumental in assisting.*

[It may here be incidentally remarked that the Imperial Chancellor was always at the pains of preventing any understanding between the commander of the army of occupation and the Ambassador.]

When Count Arnim received instructions at Gastein, in

* It certainly remains inexplicable why Field-Marshal Manteuffel of all others should on this occasion have considered himself the subordinate of Lieutenant-General Prince Bismarck.

August, 1871, to proceed to Paris on an extraordinary mission, these were accompanied by the express injunction to restrain the General from any diplomatic activity whatever.

The General had at that time taken the initiative in negotiations with M. Pouyer-Quertier which incurred the Imperial Chancellor's displeasure. Prince Bismarck—as he said in a letter to the General—felt himself obliged for this reason to suspend his curative treatment at Carlsbad, and to proceed to Gastein in order to protect His Majesty against similar surprises.

A suite of apartments for the Prince had been ordered at Gastein some time before he received information of the General's negotiations, and his irritation towards the latter was great. A single instance will prove this.

Count Arnim had stated at Gastein that he would visit the General at Compiègne on the journey to Paris.

Prince Bismarck thereupon replied that he could previously "interview" also, and with as much reason, the commanding Generals at Breslau, Coblenz, or Magdeburg.

It is remarkable that the same General against whose diplomatic actions Prince Bismarck deemed it urgently necessary to protect himself was employed by him to thwart the legitimate sphere of action of the Ambassador without the latter being aware of the fact.

In the correspondence about Belfort is, moreover, to be found a still further proof showing how false are all the accusations directed against Count Arnim in order to lead the public to the belief that he had striven to procure the deposition of M. Thiers in May.

His telegram of 10th March, 1873, in reference to Belfort, previously mentioned, would alone suffice to prove the contrary. It shows in like manner that it was he who first proposed to retain Verdun instead of Toul, and that he exercised a

decided influence upon the negotiations up to the last moment.

The proceeding of the Imperial Chancellor, and the reasons adduced in justification of it, become therefore all the more unintelligible.

It will now be necessary to revert to the letter of Count Arnim to His Majesty, and to afford information as to the reception it met with.

For a long time Count Arnim received no intelligence respecting it.

In May, however, the Emperor was pleased to privately inform the Ambassador, by means of an autograph letter, that His Majesty had indeed handed the Count's memorial to the Prince, but that the latter refused to express himself in regard to it, because he insisted upon receiving the missive in the usual course of official routine.

The assertion of the Prince that *he* was the competent authority to whom to present such a letter of remonstrance rests upon an arbitrary assumption supported by no legal or official precept.

The reproduction, however, of this expostulatory letter in the present volume was abandoned from reasons which we shall pass over in silence.

We cannot conclude the narrative of all the details connected with the fall of M. Thiers in a manner suitable to our purpose without casting a retrospective glance upon the prevarications in which the Imperial Chancellor has involved himself. We must, moreover, point out how much the Imperial Chancellor has deceived himself in his prophecies, and in what degree Count Arnim has been justified by the course of events.

For this purpose we place before our readers the following reports of Count Arnim, which are likewise to be found among the documents of the trial.

These reports are as follows :—

I.

“ Paris, 27th May, 1873.

“ Public opinion in France has declared with great unanimity for the new Government.

“ The state of insecurity had become so unbearable that the nomination of MacMahon denotes a new era in the eyes of the country. The merchant, the financier, the peasant, the small tradesman, were all anxious to know what the morrow might bring forth. Now they know, or at all events fancy they know, who is master in the country, and make arrangements accordingly. People imagine themselves secure against war and revolution. This is the sum total of all aspirations.

“ The country as a whole, and speaking in a general way, is rid of an incubus, and relieved of the burdensome care of politics after the new Government had given guarantees against the Radicals. . . .

“ It would seem that the people, the ‘ million,’ in so far as it is not socialistic in principle, expect a rapid development of affairs towards the establishment of a Monarchy.

“ Imagination probably tends essentially in the direction of the Empire. Also in Europe the opinion will spread that the fall of the Thiers Republic will only be the prelude to a restoration of some Monarchy or other.

“ I by no means share this opinion. I rather believe that the Republic,—*i.e.*, a state of affairs without hereditary Emperor or King,—would have more prospect of durability under present circumstances than hitherto.

“ In the condition of affairs which up to the 25th was the

legal one, two things were unpleasant to the Conservative party:—

“1. That it ran more risk from day to day of being deprived of the influence upon the administration which was its due, and of seeing Radical Socialism become paramount in the country.

“2. That a constitution might be framed which would for all time to come bar the way of their Pretender to the throne.

“Since MacMahon and De Broglie govern the country the first motive of hatred against a non-monarchical state of affairs is removed.

“The Conservative party rule the country, and may therefore equally prevent the occurrence of the second danger. It may frame a constitution adapting itself as well to a Monarchy with an hereditary King as to a Monarchy with an elective Regent. It may likewise renounce any constitution-mongering whatever.

“An additional motive for this abstinence will be found in the circumstance that none of the monarchical parties are able to present a generally acceptable candidate, and that the Orleanists especially are not in a position to place their heir on the throne in face of the Bonapartist and Legitimist opposition.

“At the same time it is a fact that the Orleanists are less attached to their dynasty than the other monarchical fractions, and that the Duke de Broglie, for instance, might daily become more possessed of the idea that he himself could govern France either as President, Regent, or Doge.

“I therefore consider that the present Government is in a position to exist longer than is commonly supposed. Meanwhile, however, I am inclined to believe that the time gained in this way will be of use to the Napoleonic party.

"It is, indeed, true that vigorous efforts are being made, and will all the more continue to be made, to bring about a fusion of the two ancient Royal families, but the Bonapartists are represented in the Ministry. They will more and more strive to get possession of the internal administration, and are probably better able than the Royalists to place dependence on the army. Consequently they are absolutely in a position to neutralise all machinations intended to put them altogether aside.

"The new elections, if they do take place under the present Government, will bring a strong contingent of Bonapartists into the Chamber. It is they who have obtained the greatest advantage by the change which has been wrought, and who are able to maintain their present position better than the rest, until time serves their purpose.

"Accordingly it is not the desire of the new Administration—and that is what characterises it—to hastily restore one or the other dynasty.

"On the other hand, it is undoubtedly a Government with a strong clerical colouring, whose tendencies to reassert priority in matters ecclesiastical, and particularly in regard to the Romish question, are only counterbalanced by its impotence.

"Ernoul and La Bouillerie signed the petition demanding the restoration of the Pope. The brother of the Duke de Broglie is a Jesuit. . . .

"Yet, the ecclesiastical policy of these gentlemen simply fills me with apprehension in so far as it may possibly bear direct relation to other Courts. . . .

"The clerical wine will be considerably modified by the water of political necessity. It will be strong enough to excite public opinion in Switzerland and Italy against France, but it will need no German polemics to break the point of the clerical tendencies of the Government.

(Signed) "ARNIM."

II.

(Copy.)

"Paris, 27th May, 1873.

"No. 48, per 29th May, 1873.

"By Royal Field-Yägers.

"The evening before last I visited with Prince Orloff the former President at Versailles, where M. Thiers for the time being still occupies the Prefecture buildings.

"Remarkable, though not strange, appeared the entire absence of the President's habitual visitors.

"Besides Prince Orloff, Count Moltke, and myself, there were only present the members of the former Cabinet, who appeared to have met for the purpose of assisting at a farewell dinner.

"M. Thiers seemed indeed annoyed to a certain extent, although he sought to put on the air of total indifference.

"He had reckoned with the greatest confidence upon a comparatively large majority, and had even on the previous evening repeated his customary, 'J'aurai raison de tous ces sots-là.'

"I have never believed, as the Foreign Office is aware, that M. Thiers would survive the present National Assembly as President.

"To his much-vaunted dexterity, which, after all, chiefly consisted in crossing the stream by a rope rather than avail himself of a solid bridge close at hand, must his downfall be attributed.

"Nevertheless, even on Saturday I doubted his downfall to be so near, because I was aware of the possibility of his postponing the crisis until the complete evacuation of the territory, by yielding in the matter of certain personal appointments.

"Such a turn of affairs one could have wished for his own sake.

"The stubbornness, however, with which he repelled the advances of the Conservative Republicans under the leadership of M. Targot, caused the secession of this group, and thus turned the tables against him.

"He had manifestly not believed that his resignation would be accepted, and is even said to have been at first utterly unable to realise the idea that such had been the case by a very large majority.

"The services rendered to his country by M. Thiers will by his contemporaries be judged of simply from the standpoint of party criticism.

"Even future historians will find it difficult to assign to each of the co-operators the share due to him in the stupendous labour which has enabled the French nation to rise from the lowest depths of adversity to a relatively tolerable position.

"As regards the finance operations in particular. . . .

"It has been, as they would say at Berlin, 'the Privy Councillors' of the Ministry of Finance, and especially M. Dutilleul, the director, who, while protecting the general interests, conducted this operation with a devotion, a dexterity, and a delicacy unparalleled in the annals of bureaucracy.

"As regards the internal administration, it may indeed be said without exaggeration that it is her excellent organisation which has prevented France becoming the scene of general anarchy by the continual interference of the President and his employment of the most dubious elements.

"M. Thiers has seen the world in his friends, and through them the world has heard much in his praise; but at the same time he had been isolated by them from all governmental parties, so that at the decisive moment he still relied solely upon an altogether powerless *coterie*.

"Had it turned out differently, or had he triumphed by a

small majority, to which Gambetta would have contributed the principal contingent, he would on the following day have found himself in an untenable and undignified position between 320 Conservative deputies and the 120 Radicals.

"However this may be, we have no cause of complaint against M. Thiers. The attitude assumed by him towards us at the outset, the resolution with which he courageously accepted a situation with no apparent issue, and undertook a task he himself deemed futile at first—for he did not believe that France could pay the five milliards—the pride which he took in fulfilling to the last farthing the engagement he had contracted, and, finally, the wise amiability with which he suppressed every expression of rancour, and strove to realise the momentary peace between both nations,—all these are great, noble, and earnest qualities which are of much greater import than the trifling display of ingenuity which the masses unreasonably laud him for.

"In this matter his advanced age has stood him in good stead. He could not expect to live long enough to see the day of revenge; therefore had he managed that so long as he remained in power, peace should not be disturbed.

"Starting, then, from this point, he gradually began to familiarise himself with a train of ideas wherefrom he deduced the fact that the opportunity for a restoration of the French 'gloire' was not necessarily to be found on a battle-field between the Rhine and the Moselle, but upon the ground of higher reciprocal interests.

"In this respect he had undoubtedly arrived at a point at which he would no longer be intelligible to his countrymen, no matter to what party they belonged—'Sed in magnis voluisse sat est.'

"Taking all things together, we owe M. Thiers the acknowledgment that, thanks to his *franchise*, notwithstanding his

habileté, and making allowance for some brief chauvinistic *intermezzi*, we have lived with few French Governments since 1815 in such cordial relations as with his own.

"Should the views of the Emperor not be too much opposed thereto I would most humbly beg to submit to His Majesty's consideration whether the situation might not admit of His Majesty being pleased to address, *ex motu proprio*, a few gracious words to M. Thiers in recognition of the services he has rendered in the realisation of peace with Germany.

(Signed) "ARNIM.

"To the Foreign Office, Berlin.

"Contents: the Fall of M. Thiers."

III.

"Paris, 8th June, 1873.

"His Most Excellent Majesty the Emperor and King.

"Most Gracious Sovereign and Lord,—

"Yesterday I delivered to Marshal MacMahon my new credentials, as well as your Majesty's reply to the letter of notification.

"The Marshal, who still resides at his private house in the Rue de Grenelle, at Versailles, requested me to reiterate to your Majesty the assurance that he regarded it as his duty to cultivate the then (*dans ce moment*) existing good relations with Germany, and that he was mindful of the friendly reception which he had met with as the coronation Ambassador at Berlin. He was in like manner grateful for the honourable treatment accorded him during his captivity in Germany.

"The Marshal related to me on this occasion that, after Sedan, he had been granted the option of going whither he pleased. He had remained for some time at Givet, if I am

not mistaken. After he had again become capable of being removed, two battalions of French infantry came to the place to fetch him away. The temptation to follow them had been great, and as he was bound by no pledge, he could not, strictly speaking, have been blamed for taking to flight. But still he considered that he was under the obligation of acknowledging the treatment he received by observing still greater scrupulousness, and he consequently sent the two battalions away.

"The Marshal added that this incident was known to no one.

"The reception, which took place in a very simple manner, was, however, essentially different from the altogether informal one of M. Thiers.

"The Marshal was in uniform, received me standing, in the presence of his Minister, and dismissed me with the air of a Sovereign. I have seen few Frenchmen who looked less like a Frenchman than the Duke de Magenta. . . .

"If the National Assembly and his Ministers believed they possessed in him a machine without a will, they are likely to be subjected to unpleasant experiences.

"Perhaps this dry, simple, tacit manner is more adapted for governing the French than the *esprit* of his predecessor.

"Under any circumstances the conditions which are developing themselves here are among the most curious phenomena of history.

"The descendants of all dynasties which have reigned in France may dwell upon French soil without their liberty being restricted by any one. Their presence will create no revolution, their absence will not be felt to be a misfortune.

"If Henri V. wished to reside at Chambord to-day, he might be a nine days' wonder; and a little more excitement.

might perhaps be produced by the appearance of Napoleon IV.

"But the witty man, upon whose life everything appeared only yesterday to depend, sits deprived of all influence, sulking in a modest *entresol*, and reluctantly are the marks of respect paid him to which he has a right.

"He has not ceased to be popular, but he is on the point of being forgotten. Public life completely concentrates itself afresh not in the endeavour to solve principles, but in a single man, who is wanting in nothing of an emperor but the name, and probably the desire as well.

"Good soldiers of similar calibre delayed the progressive decadence by some years in the latter days of the Roman Empire.

"In what direction this entire situation will develop itself it is impossible to say. For the nonce it remains at the point where the Bonapartists, as mentioned by me in a previous report, have obtained the most palpable advantage by the new political situation.

"Even a fortnight since it was scarcely decent to appear in public in company of an adherent to the fallen dynasty : *c'étaient des lépreux*.

"To-day it is in keeping with the situation to cultivate the connection with General Fleury and M. Rouher, and to boast of it.

"Nevertheless, they are not masters of the situation. They can only become so should the fusion definitively prove to be impossible.

"The basis upon which it is intended to rest is the product of Orleanistic intrigue. A draft of a constitution is to be submitted which retains the tricolor, and is consequently unacceptable to Henri V. If, under such conditions, he declines the crown, the Comte de Paris, probably without consulting

the legitimate King, is to represent him as Regent until his death.

"It is hoped to harmonise the principle of legitimacy with the facts which abolished it. In order to prepare this plan, and the policy in connection therewith, attempts are at this moment being made to alienate from it a portion of the Left Centre, belonging to the minority of 26th May, and to add it to the Right Centre. In this manner the Bonapartist contingent, which contributed to the downfall of M. Thiers, could be dispensed with and put aside.

"I am assured, and willingly believe it, that a great portion of the Centre has already set foot upon this bridge. A *porte-feuille*, which is at present kept in store by a Legitimist or Orleanist *non-valeur*, is to attach that eternally vacillating party to the Government.

"The impression will be felt by your Imperial Majesty that the plan just described may yet miscarry on the eve of execution from a hundred reasons which are at first sight apparent, and from some others which are not seen.

"The Comte de Paris would be accepted by the country without enthusiasm, but also without opposition. His individuality, however, would offer no guarantee for the safe restoration of political and social order.

"On the other hand, he is reproached with having too much of the German about him. He is, however, free from any clerical tendency.

"However this may be, none of the dynastic solutions with which the parties are occupied would be of benefit to the monarchical principle in Europe.

"If we go to the bottom of affairs, we shall find that altogether different interests are involved in them.

"The monarchical parties, with the exception of the Legitimist Hotspurs, are more bent upon protecting their property

from the 'Pétroleurs,' and their heads from the guillotine, than upon the introduction of the monarchical form of government. The latter is for them just like the clerical policy, a means to an end.

"However, every monarchist of whatever shade prefers first and above all to stop at a combination which places the Conservative interests under the protectorate of some one belonging to one of the former reigning families. But at the last moment it is only a consideration for the qualities of the person and a motive of necessity which would turn the scale.

"The chances which the three dynasties have in common are counterbalanced by those which the reigning General has, or will have, at the decisive moment.

"All the calculations of probabilities which are put forth in regard to the prospects of one or the other dynasty, are rendered uncertain by the possibility that the MacMahon fact may be superseded by another military fact.

"Therefore, although the neighbours of France have also an interest—and, as I believe, a very material interest—in this country not being again made a peace-breaker by Radical and Clerical crusaders, and if in this respect a sodality of Conservative interests really exists, still there is up to the present time no reason for assuming that the monarchical principle in Europe would obtain a material support if a member of the old dynasty came to the throne. Consequently, there is no occasion to take an interest in one or the other dynastic solution, or of even entertaining for it a particular sympathy.

"Every form of government will presumably, for the next twenty years, endeavour to take advantage of complications, in order to make up for the 'robbery' committed upon France; no government will force on a war if it does not rest on solid alliances.

“Only a Radical or completely crazy Ultramontane Government could disturb peace even without alliances, because both the former and the latter reckon upon friends in the enemy’s camp.

“The best government for us will always be that which is compelled to expend the greatest portion of its energies upon the subjugation of its internal enemies.

“With the profoundest respect, &c.

(Signed) “ARNIM.”

Now, if we compare these reports with the Imperial Chancellor’s despatch, 103, of 19th June, discussed at length in a previous page, the matter becomes more puzzling still.

The main tendency of that despatch is to reproach the Ambassador with having been, on political principles, at variance with the Imperial Chancellor during a period of eight months.

But now it is shown by the reports just given that in May, 1874, Count Arnim was far from desiring the downfall of M. Thiers.

He says that the aged statesman might well have been allowed to outlive the evacuation of the French territory.

We know that in November, 1873, Count Arnim had doubts as to whether it would serve German interests to exercise the influence of the German Empire towards obtaining the installation of M. Thiers as dictator of France for a number of years.

Count Arnim has a spirited way of expressing himself, and in his strictly confidential letters to the Imperial Chancellor he wrote as he speaks.

We are perfectly aware that the Imperial Chancellor will publish his letters of November *in extenso* in order to prove

that in November the Ambassador subjected the policy of the President to a sharp criticism.

For this eventuality we are provided with a collection of verbal and written statements—partly put down in pencil—of the Imperial Chancellor, which will supply the proof that Prince Bismarck has not at all times identified the welfare of the Empire with that of M. Thiers.

But however this may be, journals, confidential letters, and such like testify to opinions formed under the influence of passing events.

With the development of affairs, the opinions as to the value of particular incidents and particular persons must necessarily undergo a change.

In November Count Arnim thought that it was not desirable to ensure to President Thiers such an unconditional sway over France as the latter had in view.

Affairs had, however, since the month of November, obtained a greater development.

M. Thiers had emerged from the crisis weakened, and the idea of his continuance in office was no longer of a kind to give rise to misgivings.

Herr von Bismarck will not, therefore, be in a position to produce any document which could support his assertion that Count Arnim had not ceased to act in a way to promote the downfall of M. Thiers. We again call upon him to produce such a document.

If German influence brought about the downfall of M. Thiers, it was Prince Bismarck himself who exercised this influence. For the Imperial Chancellor had caused the President to be informed through the French Ambassador at Berlin that he, Prince Bismarck, entirely approved the attitude of M. Thiers towards the National Assembly. It is to be assumed that the President was thus still further strengthened

in the tendency to over-estimate his power, and through this he came to grief. It may be said that no one contributed so much to the downfall of M. Thiers as Prince Bismarck himself.

He certainly intended to do more for him.

The measure which, as is stated in his note, he has unsuccessfully advocated with His Majesty appears to have been the threat to reoccupy the evacuated territory. It is certainly permitted to doubt the success, the admissibility, the necessity, or the expediency of such a measure, and more particularly the expediency of it.

According to the written and verbal statements of the Imperial Chancellor, he considered all was lost after the downfall of M. Thiers. He foresaw a Legitimist disquieting Government threatening peace, and Europe in league with it.

The French Republic for which he so passionately interested himself appeared to him threatened, and it was not without a feeling of sadness that he complained in his conference with Count Arnim, on the 2nd December, that the Empire had now lost every prospect of recall.

On the other hand, we see how calmly Count Arnim, while doing full justice to the merits of M. Thiers, judges of the turn of events which had taken place; and to-day, after a lapse of more than two years, we must concede that Prince Bismarck has erred in all points, and that Count Arnim has been right in every respect.

The Republic, said Count Arnim, has now greater prospect of stability and duration than hitherto; and we see to-day the Republic organised, ay, even accepted as the definitive form of government for the present. MacMahon, Count Arnim says, will not be the blind tool of parties; and we see the Marshal pursuing his own course.

The clerical tendencies of the Government, says Count Arnim, are only dangerous to France, not to us ; and we see how zealously the Marshal's Government is at the pains of not identifying itself with the tendencies of the Ultramontane party, notwithstanding all provocations, and of avoiding every collision with the irritable Regent of Germany. The only monarchical party which has possibly progressed, says Count Arnim, are the Bonapartists, although they are still far from their goal ; and we see that, in spite of fusion and of all Orleanistic intrigues, the House of Bourbon-Orleans appears to have given up the race, whilst Bonapartism still shows signs of vitality.

Undoubtedly France is gaining strength, and the French Government does not prevent it. But would M. Thiers have been at the pains of keeping France weak ? Did not M. Thiers lay the foundation of that army organisation which was suddenly to have threatened peace this spring ?

And is Prince Bismarck quite sure that M. Thiers makes use of his interviews with foreign statesmen to prove to them that France is not in a position to form alliances ?

It is certainly true that Prince Bismarck said to Herr von Philippsborn on the 1st September, 1873, that he could never forgive Count Arnim for the downfall of M. Thiers, because the latter would infallibly have driven France into the arms of Gambetta and anarchy. Gambetta and anarchy are not identical. Of such a policy, however, nothing is to be found in the instructions of Count Arnim ; and we doubt very much that Count Arnim would have carried his compliance so far as to knowingly promote a policy which tended to revolutionise a country in which he had the honour to represent the most loyal of all monarchs.

In a word, if we place the despatches and statements of the

Imperial Chancellor in one scale and the reports of the Ambassador in the other, we cannot, considering the present situation of the two countries, resist the impression that in judging of French affairs Count Arnim was likewise more prescient and saw from higher points of view than the Imperial Chancellor.

He surpasses him in this sphere just as much as he does in that of ecclesiastical policy.

The months of July, August, and September, 1873, the seriously indisposed Count Arnim spent at Carlsbad, Ragatz, and St. Moritz.

During this period, likewise, the Ambassador received some communications from the Imperial Chancellor, which proved to him how inveterate had grown the hatred of Prince Bismarck.

Besides this, accounts reached him from which he gathered that the motive of that hatred was not unknown to him alone. The late Herr von Balan, who attended to the duties of Under Secretary of State at Berlin, wrote to him: "The *causa movens* of Bismarck's hatred against you is unknown to me. Things are taking place at Berlin of which I have no conception."

Prince Bismarck was at Varzin, and there expressed himself to one of his confidants in the most excited manner in regard to Count Arnim.

He has apparently stated no definite foundation for his wrath. But there is reason for supposing that Prince Bismarck suspected the Count of carrying behind his back

with the highest personages a correspondence on political questions.

This correspondence never took place, except in the imagination of the Prince or in the secret reports of his agents.

The thought that Count Arnim might become inconvenient as a member of a parliamentary body was especially annoying to the Prince. It must, however, be taken for granted that the tendency prevailed in him even at that time of rendering Count Arnim impossible for all political activity even after his recall from Paris.

At the latter end of August Count Arnim came to Berlin. A short time before, his friends, and persons whom he erroneously took to be such, had exerted their influence to induce him to make an attempt at reconciliation with Prince Bismarck.

Early on the 1st September Count Arnim was received by His Majesty. The Ambassador asked his Imperial Master whether His Majesty desired his (Count Arnim's) recall from Paris and his retirement from the service.

His Majesty negatived this question with the remark that there was no ground for it.

The affair of the alleged delay also in the conclusion of the convention of the 15th March, 1873, had been explained, said his Majesty, in a manner favourable to the Count, although a formal settlement of the matter had not yet taken place.

The only thing in question was the "rancour" of Prince Bismarck. His Majesty was all the less in a position to understand it, as it was not possible for him (the Emperor) to be resentful.

But "rancour" was undeniably the prevailing trait of character in Prince Bismarck, and it was distressing to be obliged to admit this in a man to whom one owed so much.

This "rancour" had already removed many faithful servants: Goltz, Thile, Savigny, Usedom, Werther, &c. "Now it is your turn!"

Count Arnim replied to His Majesty that he, a servant of the Emperor, and not of Prince Bismarck, considered it to be his duty to explain once more to the Imperial Chancellor how groundless were all the assertions which Prince Bismarck—perhaps self-deceived—endeavoured to assign as the motive of his hatred.

His Majesty approved of this.

Immediately afterwards—on the 1st September, 1873, at two o'clock—Count Arnim proceeded to Prince Bismarck.

Just at that time the Ambassador was particularly suffering from indisposition, and his nervous system was so shaken that it took him some minutes to recover before he could speak.

Whoever is acquainted with the malady from which Count Arnim was suffering at that time in the severest degree is aware that it is followed by symptoms which render speech almost impossible to the invalid, especially if he happens to be nervously excited, and to a certain extent paralyse his tongue.

Prince Bismarck, whose notice the painful condition of Count Arnim could in no way escape, did nothing to alleviate it.

"Se pâmant d'aise de se trouver en si bonne santé," he opened the conversation in the offensive tone of benign, serene grandeur and gracious condescension, for which at that moment there was not the slightest motive.

Upon the request of Count Arnim to tell him what was really the motive for the "tyranny" with which he (the Imperial Chancellor) pursued him, the Prince rejoined with

a torrent of reproaches, for which he had prepared himself, as was observable from the documents lying on the table.

"I," said the Prince, "am the pursued. Since for the last eight months—ay, for a year past—you, Count Arnim, have impaired my health and destroyed my rest.

"You conspire with the Empress, and you do not rest satisfied until you sit here at this table, where I am sitting, and will have become convinced that there is nothing at all in it.

"I know you from your youth.

"In every superior—so you said years ago—you perceive your natural enemy. I am that enemy at this moment.

"You have delayed the conclusion of the convention of the 15th March in order to cause the downfall of Thiers, and I must now bear the responsibility for this political blunder.

"You have complained of me to the Emperor; you maintain relations at Court which have already previously prevented my summoning you hither."

The Prince added many other peculiar expressions, for which there was no necessity, and his manner of speaking became incoherent from real or simulated anger.

He confused the sequence of events; occurrences which were of distant date he placed in recent times, and *vice versa*. Finally he asserted that everything he was saying had been taken from the records, without, however, proving his assertions in any way.

He laid a particular stress upon the circumstance that Count Arnim had, in November, 1872, expressed to Count Eulenburg the desire to be called to the Upper House.

In this Prince Bismarck saw a perfectly unmistakable sign of incurable passion for intrigue:—

"You wished at that time to take a long leave of absence,

and remained here without leave in order to intrigue against me in Court circles whilst I was at Varzin, so that I had to call upon you officially to return to your post." *

All this is false.

Count Arnim expressed the wish to be called to the Upper House at the end of October, 1872, when he was passing Berlin.

The summons, however, to return to Paris, the Ambassador had received while in the country. He could not, therefore, intrigue in Court circles.

The Imperial Chancellor has evidently crowded together in his mind various things altogether different and separated by several years from one another, and startled his suspicious imagination by an image which was nothing else than a mosaic arbitrarily put together by himself out of the pieces of cut-up paintings.

Of the existence of this painting, now firmly fixed in the Prince's mind, an article in the *Augsburg Gazette* of the 30th December, 1874, likewise furnishes a proof. According to report, and in all probability, Prince Bismarck dictated it himself to Dr. Küttgen.

The article, to wit, contains literally some of the many jumbled things which the Prince himself said to the

* When Herr von Bismarck was still Prussian Ambassador, and staying in 185— at Berlin on leave, he called after the expiration of the term upon the then Minister for Foreign Affairs, and begged that it might be prolonged.

The Minister replied to him thus:—"My Honourable Herr von Bismarck, I am aware that you have made use of your leave of absence here in attempting to displace me, and that for this purpose you request a prolongation of your leave. I wish you every success, and herewith grant you the leave of absence you ask for." Herr von Bismarck became very embarrassed and was silent. We are in a position to give the Imperial Chancellor the name of the ear-witness of this conversation.

Ambassador on the 1st September, 1873. The psychological process, however, to which this article and other similar productions owe their origin is as follows :—

To the prodigious qualities of the Imperial Chancellor belongs that of not finding the truth from objectively established facts. He does not “find” it—he “creates” it. Intuition or inspiration shows the truth to his extraordinary intellect, and his intelligence, so extremely fertile in combinations, then groups the facts in such a manner that they serve as a basis for the first, and frequently quite correct, impression. The consciousness which had perhaps existed that the first impression rested upon his own or somebody else’s inspiration recedes in the further course of the conception of truth from the energy which subordinates the reality of external facts to the creative power of the personal will.

In this manner the Imperial Chancellor forces things of the past, the present, and the future to adapt themselves to his thoughts.

But whoever has had occasion for intercourse with the Prince will have noticed much to support the explanation of many of the psychological enigmas given above.

The character of certain persons disagreeable to him—and they are many—the Prince always gives in the same words and the same figures of speech, and with a constant addition of the same anecdotes, which are frequently erroneously fastened upon the very individual then under treatment. He always relates historical facts and occurrences in the same order, with a stereotyped revelation of the hidden concatenation of incidents following one upon another, on which occasions the dates are frequently a little shifted, presumably

unintentionally, in order to remove all doubts as to the correctness of the description.

Every great mind leaves its impress upon the epoch over which it rules.

In like manner this talent of representation—this power over history—has passed in particular into those productions of our time on which the Prince exercises a preponderating influence, namely, upon the effusions of the Daily Press.

The works of art which the Prince, sustained and urged onward by his high aims, produces and must produce, appear in all places in variously alternating form and in manifold shining colours.

In this the superficial critic unjustly perceives a misrepresentation of the truth emanating from above and ramifying far below. It is rather the indispensable forcing of history into the service of the Empire for the attainment of Imperial objects, which must not be separated from those of the Imperial Chancellor.

That by this means a certain uniformity in the mode of thought and speech—an occasionally appalling sameness of intention—is instilled into the nation is unmistakable, but unavoidable, and possibly even compatible with the interests of the “*Cultur-kampf*” (battle of civilization).

In the end it is, after all, nothing else than the practice of the Jesuits with regard to perfection rendered possible by means of the “*Welfenfond*”—an unparalleled power over the revenues of the State and the “accessibility” of

modern men. On the other hand, one can scarcely be mistaken in the belief that in the not always avoidable abuse of the truth-forming plastic art a certain danger exists for the individual who supplies the material for the artist's hand. This danger is all the greater from the fact that he who produces an object of art will naturally adopt all means at his disposal to preserve it from destruction. For this reason it is exceedingly difficult to fight against dictated truth.*

Every one who has been in close relation with Prince Bismarck, whether as a colleague in the Council of Ministers, as subordinate, as a member of Parliament, or even as a National Liberal, will have experienced how difficult it is not to become involved in difficulties with him. Whoever has become so involved will have learnt that every explanation is impossible. To confront him with reasons is of as much use as to throw peas against a brick wall.

Thus the conversation of 1st September remained without result, although Count Arnim, like the Opposition of the period of conflict, made offers of peace—so far, in fact, that Prince Bismarck subsequently gave vent to his merriment thereat in an unrestrained manner.

It has been asserted that Count Arnim on this occasion had committed an error. The Ambassador, it is said, should have tendered his resignation after satisfying himself that Prince Bismarck desired no explanation.

This assertion, in our opinion, is quite unjustified.

We are not aware whether he had really ceased to hope that peace was possible. He knew that various persons had made use of the truth in order to render falsehood credible, and perhaps he calculated that the Chancellor would listen

* Prince Bismarck would say "established truth." (Despatch of 23rd December, 1872).

to the simple truth. He possibly forgot that even Alexander the Great—one of the noblest of men—had availed himself of the services of Antigone, a courtesan, in order to watch Philotas, and that the truly-devoted man was finally held to be the head of a conspiracy solely on account of misrepresented words, so that Alexander had him slain together with Parmenion.

Count Arnim, however, could not allow himself to be guided at all by emotions in the present case. It was rather a duty of honour for him not to yield to an altogether unjustifiable caprice of the Minister.

His Majesty the Emperor had told the Ambassador himself that no reason existed for his retirement. If Prince Bismarck was of a different opinion, it was *his* duty to insist on the recall of the Count. This is the only permissible way of deciding questions of this nature.

Prince Bismarck, however, does not proceed in this manner. As his dislike towards colleagues and subordinates frequently arises suddenly, and is based upon impressions which he cannot justify, he meets with opposition on the part of His Majesty in his desire to get rid of persons who have become dangerous to him. The Emperor is mindful of the promise which is inserted in most of the certificates of appointment, that His Majesty will graciously be pleased to protect the bearer of it in his office and dignities. Now, as it often happens that the Imperial Chancellor avows to His Majesty his aversion to follow all the varying tastes of the day, the often-seen but nevertheless repulsive spectacle commences of the "Press pack" attacking and assailing the honour of the Minister or Ambassador who has incurred displeasure.

Attacks of the leading Minister upon his colleagues or subordinates before the assembled Parliament complete the public skirmish, under the never-failing applause of the

"Cossacks" and the Ambassadorial factions. Uncomfortable scenes in the Council of Ministers, unpleasant correspondence, unrestrained expressions in the drawing-room or after dinner, do the rest.

At last the victim gets tired, and throws himself voluntarily overboard:—"Un homme à la mer!"

The procedure is quite unconstitutional and unjustifiable.

In this manner the Emperor is actually deprived of the right to appoint or dismiss his Ministers in the forms prescribed by the constitution and by tradition.

Even the Chambers retain the influence in nominating those enjoying public confidence only in so far as they are told in what way and with what emphasis they must share the antipathies of the leading statesman.

Caprice is the real sovereign. Count Arnim could not and would not submit to this sovereign, and for that reason he did not demand his recall. He wished to be recalled by the Emperor at the request of the Prince; but not by Prince Bismarck at the instance of the *Norddeutsche Allgemeine Zeitung*.

However this may be, he parted with Prince Bismarck on the 1st September with the sincere desire of consigning past differences to oblivion. He even went so far as to express his regret that, by handing in the letter of complaint to His Majesty the Emperor he had possibly thrown obstacles in the way of establishing a direct understanding with the Prince.

At the latter end of the month of September Count Arnim returned to Paris.

In the period now commencing is included the excitement which had been created in the Foreign Office by the unbecoming language of several French bishops. Prince Bismarck

and his subsidised press availed themselves of this occasion also to revile Count Arnim in all manner of ways.

It is necessary to ascertain to what extent they were justified in so doing.

The Ambassador was accused of having left his Government without information, and of not having sufficiently protected the rights of his country, nay, even the dignity of His Majesty the Emperor. It was added that Prince Bismarck had to take the matter in hand himself, in order to bring about by negotiations with the French Ambassador at Berlin a clearer understanding of the situation and to obtain the necessary satisfaction.

We shall adduce proof that everything in this statement is completely false.

Count Arnim *had* informed his Government. He had completely protected the dignity of His Majesty, and Prince Bismarck accomplished nothing by his negotiations with the French Ambassador which had not been already attained, but in order to elucidate the state of the case it is necessary to retrace somewhat our steps.

On the 3rd August, 1873, the Bishop of Nancy had issued a pastoral letter which justly gave the Imperial German Government cause for complaint.

In this pastoral letter there was the following passage :—

“Prions pour la patrie afin qu'elle mérite de voir bientôt se lever sur elle des jours meilleurs, et que les revendications qu'elle désire elle se les assure d'abord par la foi; pour la patrie, afin que les cruelles réparations que lui a imposées la guerre ne soient pas sans espoir, et que des sommets de Sion l'horizon ne soit pas à jamais borné par une frontière.”

Sion is a place of pilgrimage in the neighbourhood of the German frontier.

No one will maintain that this language on the part of a

bishop whose diocese extended beyond the German frontiers could be tolerated.

The priests of German Lorraine, subordinate to the Bishop of Nancy, who had read the pastoral letter from their pulpits, were therefore called to account before the German tribunals, and visited with more or less severe punishments, and the whole incident was made the occasion of hastening the separation of the benefices situated on German territory from the diocese of Nancy.

Count Arnim was not at Paris in August, as already mentioned. Count Wesdehlen represented him as *Chargé d’Affaires*.

This not altogether immaterial circumstance did not prevent Prince Bismarck and his press from making Count Arnim also responsible for the mistake which is said to have been committed in this affair of the Bishop of Nancy, but which only attracted attention at Berlin after the Ambassador had returned to Paris.

Altogether it appears that the intelligence of the bishop’s pastoral letter was late in reaching Berlin.

It was dated, as we have already said, on the 3rd of August.

On the 3rd September, a full month later, the first instructions having reference to the affair at Nancy were forwarded to Count Wesdehlen. But he was only directed to call the attention of the Duc de Broglie to the affair “verbally,” and to express himself towards him in accordance with the tenour of the despatch.

In this despatch it was stated that the Imperial Government entertained confidence in the French Government that it would adopt and successfully apply means to place a limit to these and similar agitations, and relieve the German Government on its part from the necessity of taking measures on the frontier against them.

It will be seen that a definite demand was not made to the French Government, but that an eventual threat was undoubtedly indicated.

It was, however, confined to the intimation that measures would be adopted at the frontier. Of what nature these might be it is not easy to guess.

Count Wesdehlen executed the order given him, and reported upon it on 12th September. In this report he stated that the Duc de Broglie disapproved of the language of the Bishop, and had caused representations to be made to him about it. Count Wesdehlen added that the Duc de Broglie had himself complained of the imprudent language of other bishops also, but had volunteered the remark that the Government had no adequate means at its disposal to counteract such manifestations.

The *Chargé d'Affaires* expressly remarked that he had thanked the Duc de Broglie for his communication.

According to the position of the affair and the wording of his instructions Count Wesdehlen could do no more. A diplomatic agent must never exceed his instructions in the austerity of the language he employs.

When Count Arnim returned to Paris at the end of September he already found there a despatch, signed by the late Herr von Balan by order of the Imperial Chancellor, communicating to Count Arnim some remarks which the report of Count Wesdehlen had induced the Imperial Chancellor to make. These remarks were, in substance, as follows :—

“ We cannot accept the refusal of responsibility on the part of the French Government for such manifestations. The language of the Bishop of Nancy and the Archbishop of Paris has produced such an irritation in the German press as will not conduce to the maintenance of friendly relations between the two countries. We are of opinion that the French Govern-

ment could at least have expressed publicly an unmistakable disapproval of the mandate of the Bishop of Nancy."

To this it might perhaps be remarked that the Duc de Broglie had not at all denied the responsibility of the French Government to Count Wesdehlen; that in the pastoral letter of the Bishop of Paris mention was certainly made of Italy, but none whatever of Germany; that possibly the irritation of the German Press had not been caused by the pastoral letters of the two bishops, but by Herr von Aegidi.

However this may be, the note of 20th September does not contain a definite injunction. It consisted of nothing more than a reproduction of remarks which Prince Bismarck had probably made *ad marginem* of the Wesdehlen report at Varzin, or had had them made by Herr Bucher (his private secretary). This is the way in which the connection of the Imperial Chancellor with the Foreign Office is maintained when Prince Bismarck is staying at Varzin, and in which he reserves to himself, at the same time, the right of suddenly and sporadically interfering in an already compromised situation.

The note of 20th September is in this respect important for the purpose of making the state of affairs intelligible. But it is also interesting from another point of view, for it affords the opportunity of proving that the pastoral letter of the Bishop of Nancy and that of the Archbishop of Paris—which latter had nothing at all to do with the matter, and was an altogether harmless effusion as far as Germany was concerned—worked more prejudicially upon the nerves of the Imperial Chancellor from the moment he believed Count Arnim had returned to his post. To the inferences which attach to these observations we shall recur presently.

The Ambassador regretted that the excess of the Bishop of Nancy had not been viewed at the commencement in a different manner.

To act upon those provisions of the Code Pénal apparently

applying in this case, and to which we shall refer later on, certainly appeared doubtful to him, because he did not believe that any French jury, or even a Cour d'Appel, which might take the matter up at the request of the bishop, would have condemned him.

On the other hand, however, he deemed the case to be one in every way justifying proceedings against the bishop *per* "appel comme d'abus," and had he been at Paris he would have advised the Prince to call upon the French Government to adopt this measure.

A measure, however, which would have been feasible in August and *re integra* was no longer possible after a lapse of nearly two months. The bishop had been admonished by his Government; the Imperial Chargé d'Affaires had thankfully received the communication relating to it, and, in accordance with the maxim "*non bis in idem*," neither the Imperial nor the French Government could with any show of propriety revert to the affair.

Prince Bismarck, however, did not think proper to let the matter rest, and to content himself with the communication thankfully accepted by Count Wesdehlen, as well as with the punishment of the priests who had read the pastoral letter of the Bishop of Nancy from their pulpits in Lorraine.

The matter was finally settled by the French Minister of Public Worship addressing a letter of reprimand to the Bishop of Nancy, and forwarding a copy of it to the Ambassador.

The details of this incident are out of place here. The procedure of the Imperial Chancellor is, however, characterised by the fact that at the outset of the complication he gave Count Wesdehlen only very general directions to speak about the matter with the French Minister, and that after

Count Arnim's return he recurred with constantly increasing vehemence to the "definite demand" that the conduct of the Bishop of Nancy be publicly condemned, or, at all events, censured.

Whoever reads the documents having reference to this affair cannot resist the impression that Prince Bismarck was not only urged on by the desire to obtain satisfaction, but by the idea of making Count Arnim responsible for the failure of a matter which some one else, owing to the insufficiency of his instructions, had placed in a false position.

The affair of the Bishop of Nancy was, however, soon forgotten.

It was forced into the background by other manifestations of passionate French prelates. To this category belonged the pastoral letters of the Bishops of Angers and Nîmes in particular.

In order to form a correct judgment of the position of affairs, it must first of all be borne in mind that the pastoral letters which were read in the middle of December, were publicly known in Germany sooner than in France.

The French are accustomed to clerical eccentricities, and take no notice of them.

In Germany an importance is attached to them which they in no respect deserve. This is to some extent owing to the reports of a certain class of German newspaper correspondents. Actuated by natural impulse, as it were, to bring the occurrences of the day to the knowledge of the German public in a sensational form, they exercise in this manner a very pernicious influence on international relations. A pastoral letter of a fanatical French bishop, sixteen pages in length, meets with few readers within his diocese—with none at all beyond it.

The first morning breeze sweeps it away, like an article of

the *Figaro*. The effect in Germany is different, especially when a newspaper correspondent extracts the most striking invectives from a pastoral letter and telegraphs them to his journal, which on its part seeks to add still further to the fancied importance of the sensational intelligence by printing it in large and leaded type. The matter is then taken up by the writers of the entire German semi-official press, who only judge of it by the contents of the telegrams, and give scope to their literary prurience by offensive articles addressed to the French Government or the French nation.

The German incentive articles are, as a rule, completely misunderstood in France, and in a few days a newspaper war is kindled, in which neither of the contending parties exactly knows what it is inveighing against or what it wants. This proceeding, which is repeated on every occasion, however insignificant, has a truly tragical importance when the artificial excitement produced in Germany corresponds with the Government's wishes.

This is particularly the case when the rising storm can in any way be turned to account for the real or imaginary advantage of the "Cultur-kampf" (struggle of civilisation). The Government is then placed in the gratifying position of being able to appeal to the indignation of the country; and the national Press considers it to be its patriotic and honourable duty to give its support to the Government.

The suit between the two nations is decided before it has made any progress—even before it has been ascertained whether it was needful or dignified to lose temper in matter.

The diplomatist, who seriously considers the responsibility devolving upon him should he wantonly increase the excitement, finds himself placed in an extremely difficult position through the separate policy simultaneously advocated by the

newspapers, unless he can reckon with perfect certainty upon a calm conception of affairs on the part of his Government. For the first leading maxim of the diplomatist must always be that incidents which, according to his conviction, are only of local importance, shall not be magnified into "events." "*Il ne faut pas créer des affaires!*" If a lucifer-match catches fire, it should be put out, but not thrown alight among the straw.

The German Ambassador was in such a situation when the news first reached France of the impression which the pastoral letters of the Bishops of Nîmes and Angers had produced in Germany.

In France they had passed off without notice ; fragments only of them having been made public.

In Count Arnim's personal opinion it was not compatible with the dignity of the Emperor and the greatness of the German Empire to take the least notice of such impertinent doings.

The Emperor of Germany is enthroned too high for the stones thrown by "tousured Zouaves" to be able to touch him.

It appeared to Count Arnim right and becoming to take as little notice as possible of such profligacy. In his opinion the Italian Government is right when, generally speaking, it ignores the insults cast at Victor Emmanuel by the Franc-tireurs of the Vatican in France.

But when the Emperor of Germany once condescends to listen to what Bishop Freppel says in a French Gotham, the affair cannot be measured by the small standard suitable to the proportions of M. Freppel, although not corresponding with the dimensions an occurrence must possess or obtain in order to claim the attention of Germany.

The Ambassador, however, knowing the proneness of

Prince Bismarck to over-estimate the importance of clerical manifestations, did not allow himself to be guided by his personal opinion.

On the 19th December, he already drew the attention of the wise, cautious, and peace-loving new Minister for Foreign Affairs, the Duc Decazes, to this fresh episcopal excess.

Later on, he even caused the Minister to be urgently recommended by a third person not to lose sight of the matter, as it might easily lead to reclamations on the part of the Imperial Government.

Meanwhile, Count Arnim made a point of subjecting the question to a thorough study as to what the Imperial Government, according to French legislation, could do and demand, in order to obtain satisfaction, and what appeared desirable from political reasons to actually demand. No instructions of any kind were sent to him from Berlin on the subject.

To make definite demands without distinct instructions would have been an altogether unjustifiable proceeding.

Neither could it be the duty of the Ambassador to make proposals to his Government without having a complete knowledge of the affair and of the legislation of the country applicable to the matter.

He could attach no importance to the more or less coloured and superficial remarks of the daily press.

Under these circumstances he must have been astonished when he received on the 31st December, 1873, in the afternoon, a telegram, which Herr von Bülow had signed, and which read approximately as follows :—

“Your Excellency has not as yet reported regarding the steps taken respecting the pastoral letters of the Bishops of Nîmes and Angers. The *Journal des Debats*

is of opinion that Articles 201-208 of the Code Pénal, and the Law of 17th May, 1819, supplied a means of proceeding against the bishops.

“The Ambassador should make reference to them.

(Signed) “VON BÜLOW.”

The astonishment expressed by the Imperial Chancellor in this telegram at the Ambassador having taken no steps which he had not been authorised to take, is prodigious. Had he done so in an energetic manner on his own responsibility the Chancellor might have told him with greater reason than he did afterwards that he required “less initiative and a greater measure of compliance on the part of his subordinates, even of the highest in office.” Still more wonderful is the *naïvete* of Herr von Bülow to suggest, without further examination, certain articles of the Code Pénal as a basis for the reclamations to be made, simply because the *Journal des Débats* quoted them.

It must be remarked here that henceforth Herr von Bülow, who had recently immigrated from Denmark to Berlin, *via* Mecklenburg, appears generally more frequently on the scene. Without intermediate preparatory service, he stepped into the complete enjoyment of the infallibility attendant on the Foreign Office.

On the 1st January, 1874, Count Arnim replied to this Bülow-telegram in the following manner:—

“The *Journal des Débats* is in error in specifying the Articles 201-208 as applicable to the case of the episcopal pastoral letters. The Law of 17th May, 1819, it is true, in regard to the press, protects both the sovereigns and governments.

“But the Law of 26th May, of the same year, says, in section 3:—

““In case this offence should be committed against the person

of foreign Sovereigns, proceedings can only be instituted in consequence of the complaint and at the request of the Sovereign who considers himself aggrieved.'

"He presumed that Herr von Bülow did not intend by his telegram to direct him to prefer such a demand to the French Government. The only lawful means of which the French Government could avail itself was the 'appel comme d'abus.'

"He had proposed to the Duc Decazes to put it in force against the Bishop of Angers. But the Minister had doubted its efficacy. He had not reverted to the question since, in order to leave time and the entire responsibility to the Government."

On the 2nd of January, the Ambassador despatched a long and detailed report on the case in point. We reproduce it *in extenso*, because it renders the situation clear, and completely refutes the reproaches which have been cast upon Count Arnim.

"Paris, 2nd January, 1874.

"No. I.

"His Highness the Imperial Chancellor Prince Bismarck.

"When, some time since, fragments from the passionate pastoral letter of M. Freppel, Bishop of Angers, became known, I mentioned this fresh unpleasant incident to the Duc Decazes.

"It was, if I mistake not, on the 19th December.

"The Minister, whose personal mode of viewing the matter I have previously had the honour to report on, reiterated his complaints of the indiscretion, degenerating into baseness, of some of the bishops.

"I submitted to his consideration whether the case of the Bishop of Angers was not of such a character as to be made the

subject of the application of the 'appel comme d'abus.' The Duke, however, was of opinion that such a proceeding invariably led but to an illusory result, and that other means must be found to put a stop to the nuisance of such political manifestations.

"The Duc Decazes has expressed himself in a similar manner to M. Nigra, and informed him that he considered a censure of the Bishops through the press more effective than the 'appel comme d'abus.'

"The Swiss Chargé d'Affaires, in consequence of special instructions, had likewise had occasion to complain of the French Press and the manifestations of the clergy, a few days previously.

"It is, therefore, strange that the Agence Havas should only inform the public of the remarks which I have made to the Minister, and pass over, in complete silence, the representations of the Italian Envoy, as well as of the Swiss Chargé d'Affaires.

"I have not preferred definite demands to the Duke, and, in fact, have not again reverted to the affair.

"I have, however, caused him to be apprised by a third person that my silence must not justify him in assuming that my Government would not revert to the matter.

"The following considerations have influenced me in the adoption of this reserved attitude:—If the pastoral letters of the Bishops of Nîmes and Angers should be made the subject of a positive reclamation, it could only be limited at first to requesting the Government to avail itself of the legal means at its disposal for obtaining redress for the wrong-doings of the bishops. In judging of this question it has been much discussed whether or not the bishops are to be regarded as State functionaries. In my opinion this is of no moment whatever. The Government has certain rights as regards the bishops, as

such, which are not, it is true, conceded to it by the Concordat, but which it has secured to itself by legislation and the organic Articles. Whether bishops are State functionaries or only ordinary citizens is quite irrelevant.

"In this place the Articles 201-208 of the Code Pénal, quoted by the *Journal des Débats*, are next to be considered.

"These, however, do not apply to the present case, but are provisions which deal solely with the 'critiques, censures, ou provocations dirigées contre l'autorité publique dans des discours ou un écrit pastoral.'

"On the other hand, it may be maintained, without artificial interpretation, that the 'mandates' of the bishops appertain to the category of offences against which the 'appel comme d'abus,' according to French jurisprudence, can be applied. The sixth 'article organique' provides in this respect as follows:—

"'Il y aura recours au Conseil d'Etat pour tous les cas d'abus de la part des supérieurs et autres personnes ecclésiastiques. Les cas d'abus sont: l'usurpation ou l'excès de pouvoirs, la contravention aux lois et règlements de la république, l'infraction des règles consacrées par les canons reçus en France, l'attentat aux libertés, franchises et coutumes de l'Eglise Gallicane et toute entreprise ou tout procédé qui dans l'exercice du culte peut compromettre l'honneur des citoyens, troubler arbitrairement leur conscience, dégénérer contre eux en oppression, en injure, ou en scandale public.'

"In the definition 'usurpation et excès de pouvoirs' every 'empiètement sur le temporel' is included. But it may be said that the bishops are guilty of such 'empiètement' when they endeavour to independently prejudice great political questions which, in the highest sense of the word, must be reserved for the cognizance of the political authorities.

"According to the opinion of Cormenin, an 'abus' on the

part of bishops would lie when they 'arbitrarily' ordered public prayers; and it would be a question whether Freppel and Plantier stood in that position.

"Again, there exists an 'Arrêt du Conseil d'Etat' of 24th March, 1857, according to which an 'excès et une usurpation de pouvoirs' is committed, if a bishop 'directement ou indirectement attaque les droits conférés à l'Etat par la législation existante.' An 'Arrêt du Conseil d'Etat,' dated 19th March, 1829, shows:—'Qu'il y a abus de la part des prêtres qui louent des évêques de leur résistance à l'exécution des lois et ordonnances.' This sentence, it is true, cannot be indiscriminately applied to the present case, in which the question is one of lauding foreign bishops. But it is not without interest in an analogical point of view, and the 'Conseil d'Etat,' whose province it is to perfect the whole matter of the 'appel comme d'abus,' by jurisprudence, would be able to extend the principle which is the basis of the 'arrêt' of the 19th March, 1829, to the mandates of the Bishops of Nîmes and Angers, without straining the meaning of the law.

"Further:—

"'Un évêque qui publie dans son diocèse un mandement expositif des améliorations et des changements qu'il croit utiles à la religion fait abus de ses fonctions. Il y a lieu à suppression du mandement.' (Ordonnance du roi au Conseil d'Etat.)

"Instances to show that the French Government and the Conseil d'Etat, are fully entitled to proceed against the Bishops of Nîmes and of Angers, without straining the spirit and the letter of the law, I could find in profusion.

"Some cases date from the time of the conflict which had arisen with the Jesuits and on account of the seminaries during the Restoration, as well as during the July Monarchy. As to the applicability of the procedure to the case in question there is no room for doubt.

" But the question is :—What can be gained by it ?

" The Conseil d'Etat may pronounce the following decisions in the event of the condemnation of the bishops in the present affair :—

" 1. Qu'il y a simplement abus.

" 2. Il déclare l'abus avec suppression de l'écrit abusif.

" If the bishop affected by such a decision submits to it, the affair is thereby settled.

" Blanchet, however, is of opinion that 'si la déclaration d'abus était dédaignée, si elle ne servait pas d'avertissement salubre et si l'autorité consacrée continuait d'affecter la désobéissance aux lois, il y aurait encore des moyens. . . . prévus par le Code Pénal.'

" He is likewise of opinion that in this case the 'saisie du temporel' of the refractory bishop would be admissible—an opinion, however, in which he stands alone.

" But, as regards the 'moyens prévus par le Code Pénal' which could be applied in case the censured bishop did not submit, these would be in the present instance the provisions of the law of 17th May, 1819, relating to the abuse of the press. They are, however, only of account in the case of a foreign Government when the latter expressly demands it. I will revert to this again.

" As a result of the considerations of the 'appel comme d'abus' it will be seen that both the existing provisions regarding it, as well as jurisprudence, place the applicability of this procedure beyond all doubt, but that the result can extend no further than to a censure of the bishop.

" This result, as Blanchet says, 'n'est pas à dédaigner,' and I will not deny that in view of the whole political situation it would certainly be an important symptom of perhaps a decisive crisis if the political authorities of France were brought to the

oint of proving their dissension from the fanatics of Ultramontaniam.

"Whether this success would be more important when regarded as the result of a spontaneous step of the Government, or as an effect wearisomely gained by pressure from without, is a question as to which opposite opinions are conceivable, and may be defended on equally good grounds. I refrain to-day from any judgment of the matter.

"If the procedure of the 'appel comme d'abus,' only intended to be applied to bishops, is to be waived, there still remains to be considered how far they have become amenable as 'Frenchmen.'

"In that case, then, it can only be a question of an offence provided for by the Press Law of 17th May, 1819.

"This Law is entitled :—

"'Loi du 17 Mai, 1819, sur la répression des crimes et délits commis par la voie de la presse ou par tout autre moyen de publication.'

"The paragraphs pertaining in this case are as under :—

"" CHAPTER I.

"'Art. 1. Quiconque, soit par des discours, des cris ou menaces, proférés dans des lieux ou réunions publics, soit par des écrits, des dessins, des gravures, des peintures, ou emblèmes vendus ou distribués, mis en vente ou exposés dans des lieux ou réunions publics, soit par des placards et affiches, exposés au regard du public, aura provoqué l'auteur ou les auteurs de toute action qualifiée crime ou délit à la commettre, sera réputé complice et puni comme tel.'

"" CHAPTER IV.

"'Art. 12. L'offense par l'un des mêmes moyens envers la

personne des souverains ou envers celle des chefs des gouvernements étrangers, sera punie d'un emprisonnement d'un mois à trois ans et d'une amende de 100 francs à 5000 francs.'

"The applicability of this last provision is, however, restricted by the 'loi du 26 Mai, 1819, relative 'à la poursuite et au jugement des crimes et délits commis par la voie de la presse,' etc.

"It is provided in the Article of this law :—

"'La poursuite des crimes et délits commis par la voie d'office et à la requête du ministère public sous les modifications suivantes.'

"'Art. 3. Dans le cas du même délit contre la personne des souverains et celle des chefs des gouvernements étrangers, la poursuite n'aura lieu que sur la plainte ou à la requête du gouvernement qui se croit offensé.'

"A formal request would therefore be necessary in order to induce the Public Prosecutor to take action against the bishops.

"In reference to this I must, moreover, remark that it has hitherto been impossible for me to obtain an authentic and complete copy of the mandates, and that I do not even know whether they exist in a form which makes them undoubtedly appear in the light of a publication.

"But even should this be the case, as I certainly suppose it is, I should have a certain hesitation to place an eminently political question, which can only be of importance as such, on a level with a matter of correctional police.

"These are the reasons which have deterred me from emphatically insisting in my interviews with the Duc Decazes on his proceeding against the bishops with the legal means at his disposal.

"As far as regards applying the articles of the law of 17th

May, 1819, I should not have been justified in so doing without having received express instructions.

"But neither did it appear to me advisable to speak with especial predilection of the 'appel comme d'abus.'

"The Government might perhaps have entertained it without particular reluctance, and, as I said, I do not underrate the political importance of such a step.

"But a different opinion may also prevail, and I do not believe that by laying claim to this form of procedure I am expected to forego at the outset a satisfaction which my Government might possibly have reason to seek to obtain in another way.

"The situation thus remains intact, and is no way imperilled by my action. Even when I first heard of the pastoral letters of the two bishops, I was impressed with the necessity of having a clear mind as to whether the incident should be considered as the particular offence of two half-crazed Prelates, or as a symptom of the general political situation.

"In the former case it would be difficult for me to attribute greater importance to the invectives of the two reverend gentlemen than to the baying of a dog on a neighbouring farm.

"Under such a supposition they are of much less import than the lucubrations of Mgr. Manning and Cardinal Rauscher.

"In the latter case, the affair would assume greater importance still.

"I therefore confine myself to a few words as to the significance which the manifestoes of the two Prelates bear to the political disposition of France.

"I have told the Duc de Broglie on the occasion of a former interview that the French were wrong when they supposed they had concluded an armistice with us, with the

reservation of terminating it *ad libitum*. Your Highness has declared this indication to be correct. So far, however, as I was concerned, it was only intended for the French Minister, and I believe I should have been nearer the truth had I added, 'and yet no one seriously desires war, but only wants to coquet with the warlike idea.'

"However this may be, thoughts of revenge are still expressed by those who having no responsibility are thus a danger to peace.

"With these ideas, however, the manifestation of the Bishops of Nîmes and of Angers has nothing to do. They rather are in contradiction with the 'deliberate' hankerings after revenge. They have more in view the landless Pope and his hierarchy, than their own Fatherland. On the contrary, the two bishops are rather an exception to the very patriotic attitude of the great majority of the French bishops in general, whose personal views of the political situation or the occurrences in neighbouring countries is not divulged, and who confine themselves to the performance of their religious duties.

"Of the seventy, or thereabouts, bishops of France, there are not more than ten who give, or have shown, their fanaticism in the pulpit or in the improper exercise of their office. The remainder seem to be quietly resigned to their duties. The fanatical few have brought it to this pass, that the French clergy have completely lost the influence which they once possessed in political matters.

"I know very well that a different opinion holds good in this respect in Germany. It is not, however, based upon a clear perception of events, as the following facts will show :—

"Since the suspicion has taken hold of the nation that the clerical influence on the Government was too great, not a

single election has turned out in favour of the clergy and the Government.

"The Count de Chambord solely failed from the fear of the priestly rule that might possibly be inaugurated with his own.

"The nobility of Brittany lose their rightful influence simply because they incur the suspicion of being under priestly sway, and even 'Revenge' loses its popularity when it seems to be solely inspired by the clergy and their interests.

"M. Hillebrand, who has written a very valuable book about France, says that the French 'curé' is only respected amongst the peasants because he sits at the 'seigneur's' table. The 'seigneur' does not gain any importance by that.

"This theory, as far as my observation extends, is perfectly correct, and stands good with the highest political circles on the one hand, and with the clerical hierarchy on the other.

"The clergy is an exceedingly useful, effective 'instrumentum regni' in the hands of a wise Government. As soon as the relation is reversed the Government suffers, and with it the clergy itself.

"Owing to the accidental circumstance that a small though necessary number of servants of the Ultramontane clergy for forming the Governmental majority sits in the National Assembly, the French Government has just at this moment been led to the edge of the abyss which opens to every Government obliged to render itself dependent on the Ultramontanes.

"If it alienates this small flock of Ultramontanes by taking proceedings against the clergy, it will fall hopelessly into the hands of the Radicals.

"If it yields too much to the claims of the fanatics, it loses all ground in the country, and the next elections must of

necessity hasten the 'coup d'état.' On the whole, the situation is altogether desperate as far as the political future of this country is concerned.

"Under these circumstances a great danger to the Government is involved in the compromising attitude of the Bishops of Nîmes and Angers.

"If Germany should allow itself to be startled out of its tranquillity (on this account, this would, in my opinion, be owing to a misconception of the real state of affairs. Under the influence of the press an altogether different importance is frequently attributed to ephemeral phenomena than they in reality possess, or ever will possess.

"The pastoral letters of MM. Freppel and Plantier will not bring a single man under arms against Germany or for the Pope. The impression they have made has unmistakably hitherto been one of general disgust. These Ultramontane excesses are a malady of French public life, which in the first place is only dangerous to France herself.

"After all I have had the honour to remark, I must not omit to point out the consequences which, in my opinion—founded, it is true, only on the contemplation of local circumstances—should guide us in the treatment of this affair.

"As we can unfortunately now have only a limited interest in the reorganisation of France, it behoves us, as it appears to me, to neither alleviate the difficult position of the Government, nor to influence the course of French domestic politics in so marked a manner as to make us responsible for the result.

"Starting from this point, I am inclined to believe that it might be advisable for us not to enter into the details of the present cases, the discussion of the culpability of the bishops, or the measures to be adopted for calling them to account, but

to explain to the French Government that the manifestations of the bishops coupled with the effusions of a portion of the press, are symptoms of a state of affairs which seriously impairs the maintenance of cordial international relations, if the French Government has not the will or the means to counteract such excesses effectively and in an unmistakable manner.

"I believe that such a statement to the French Government, if it proceeds from us only, and is not, as I shall submit further on, agreed upon with other Cabinets, might be made in a despatch expressing more regret respecting the inevitable consequences of the episcopal excesses than anger in regard to them. The Duc Decazes should not be denied the acknowledgment and the expression of confidence in his really pacific attitude, which he displayed on every practical occasion. If the French Government were then inclined to proceed against the bishops by the 'appel comme d'abus,' it would do what is possible under the circumstances. But if we addressed our request directly to this effect, we should to a certain extent share with the French Government the responsibility of the possibly inadequate result.

"In my judgment it would be of the greatest importance, if it were possible to induce the Italian Cabinet as well as the Swiss Government to make a collective appeal in the sense indicated. The diplomatic significance of such a step could not be estimated too highly. It would at the same time thwart the endeavour of the French Cabinet to influence Italy, and would make it impossible for the Italian Government to meet the French advances to the extent it does according to my observation here.

"If it should be deemed suitable, and possible of accomplishment to arrange such a collective appeal, it would then be no longer a question of a despatch to be communicated to the French Government, but of an identical, or, better still, of

one single note to be signed by the representatives here of the aggrieved Governments.

(Signed) "ARNIM."

The following detail, which appropriately comes in here, is interesting in judging of the sentiments of Prince Bismarck towards Count Arnim.

The report of 2nd January, 1874, was in the hands of Prince Bismarck by the 4th January, at the latest. Almost a week afterwards a small dinner-party was given at the Imperial Chancellor's. After dinner, becoming hilarious, the Prince launched into the strongest charges against the Ambassador.

Three Ministers were witnesses. The Imperial Chancellor complained in particular of the boundless ignorance of Count Arnim. He asked a former Minister of Foreign Affairs how he could have allowed such an ignoramus to pass his examination. Concerning the questions which had been raised by the bishops' pastorals, he (the Imperial Chancellor) had himself been obliged to hunt up the laws in reference to them, &c.

The reader who has had the patience to read through the report of 2nd January, which we have just reproduced, will perhaps find that Prince Bismarck in his after-dinner conversations has not treated Count Arnim altogether justly. At least a lenient critic may say: "It is certainly not much, but it does not occur to everybody." The notes which Herr von Bülow, in almost serene infallibility, caused to be despatched to Count Arnim, are thus also in harmony with the utterances of the Prince. They have partially been made known in the proceedings of the trial.

Partly they were not read. Amongst others a note of

Herr von Bülow, dated 3rd January, 1874, which imparted remarks of the Imperial Chancellor to Count Arnim's knowledge.

According to these remarks, the Imperial Chancellor or Herr von Bülow, adhered to the opinion that the Articles of the Code Pénal, recommended to the Ambassador's attention, proved to be applicable to the proceedings of the French Bishops, even after repeated examination.

"This conviction was supported by the consideration that both for speeches of the clergy (Art. 202), as for every 'instruction pastorale' (Art. 204 and 205), every criticism of the Government and every criticism of an 'acte de l'autorité publique' was liable to be visited with the severest punishment. That treaties concluded with Foreign States were included in the definition of such 'Acts,' and consequently also the Franco-German Treaty of Peace and that, therefore, they must not be called in question by an ecclesiastical dignitary in the manner in which the Bishop of Nancy had ventured to do was as evident as that the unmeasured attacks of the Bishops of Nîmes and Angers would have to be included, according to French law, under the definition of 'provocation directe à la désobéissance aux lois,' if the Government possessed only an infinitesimal amount of goodwill. The Edicts of 17 and 26 May contained in Articles 12-15 provisions as to the protection due in France to foreign sovereigns, which could not be so unconditionally rejected as had been attempted in the telegram of his Excellency."

"His Highness," it goes on to say in Herr von Bülow's Note, "expressed his regret in regard to this question, that your Excellency, during the lengthened period which has elapsed since the issue of the mandate of the Bishop of Nancy, had not already taken occasion and found an opportunity of taking

in hand and prompting on your part the examination of the legal enactments and regulations in force in France which are to form the basis of our reclamations. The knowledge of those provisions of the Code Pénal which a French journal now affords us, would have been of very great value to us as a timely communication and exposition of the prevailing circumstances and state of the law, on the part of the Ambassador, of whose mission this is a special function, and this the more so as those Articles, as already mentioned, undoubtedly apply to the attempted alteration of our Alsatian possessions, and it was not your Excellency's business to refer to general political considerations when we had a basis ready to hand in the existing laws easily put into force, to which we could appeal.

"The question of the 'appel comme d'abus' likewise mentioned in your Excellency's telegram, ranks amongst the most difficult and disputed of the French ecclesiastical laws, but always affords the existing Government a sure and ready weapon against clerical illegalities."

This Note of Herr von Bülow merits closer consideration from two points of view.

1. It blames the Count.
2. It contains considerations upon the applicability of certain provisions of the Code Pénal, and about what could perhaps be demanded of the French Government.

As regards the blame cast upon Count Arnim, it principally refers to the Ambassador not having given timely information to his Government of the state of the French legislation in regard to the question at issue. Herr von Bülow—from the indistinct style of his despatches it is difficult to perceive whether he speaks himself, or the Imperial Chancellor through him—reverts to the case of the Bishop of Nancy. It has already been mentioned above that this affair had been

drifted into a wrong channel during the absence of the Ambassador.

But as regards the assertion that certain articles of the Code Pénal could have been found to apply to the Bishop of Nancy, because in his mandate he had subjected an "Act" of the 'autorité publique' to his criticism, it must certainly be rejoined that the applicability of these provisions of the law is not exactly undoubtedly certain by reason that Herr von Bülow declares them to be so.

The Imperial Chancellor could certainly command the Ambassador to make reclamations on the strength of those laws. So long as this was not the case, the Ambassador, "of whose mission this was undoubtedly a special function," was bound to point out to his Government that those articles of the Code Pénal were not applicable; neither would they be recognised in that sense by any French jury. It would have been perfectly preposterous to assume that the French jurisprudence would have seen in the mandate of the bishop the criticism of an 'acte de l'autorité publique.'

Whether a treaty of peace can be regarded at all as an 'acte de l'autorité publique' is at least doubtful. Articles 202-204 of the Code Pénal in nowise make use of the word in this sense.

Count Arnim was therefore unjustly reproached with not having called the attention of his Government to certain articles of the French penal code which, according to his conviction, could not serve at all as the basis of a complaint. Just as untenable is Herr von Bülow's assertion that Count Arnim had "attempted" to unconditionally reject the provisions of the Edicts in his telegram No. 1. The telegram contains in reference to this matter only the statement that, to his knowledge, he had not been instructed to make reclamations on the strength of those Edicts.

Very characteristic of the opinions which prevail in the Foreign Office is the assertion that the mandates of the Bishops of Nîmes and of Angers would have to be included, according to French law, in the definition of "provocation directe à la désobéissance aux lois," "if the Government possessed only an infinitesimal amount of goodwill." In these words is revealed the partiality for the system of penal provisions, and the predilection to apply them to certain actions by "goodwill."

In the Bülow despâch the following passage merits especial attention :—"The assertion that in France, where the Napoleonic Concordat is still in force, the Bishops are not members of the State and not subject to the law, is not correct."

Every one who has read this sentence in the documents of the Arnim trial, must naturally believe that Count Arnim somewhere, somehow, and at some time has set up the adventurous theory which the passage cited is intended to refute.

But there is not a word of truth in it. Never did Count Arnim assert such an absurdity. But we have here an instance of the *modus procedendi* which the Foreign Office has a partiality to adopt, in order to prove its superiority.

Finally, the regret of the Imperial Chancellor that Count Arnim had not furnished him with the judicial material, might after the above quoted report No. 1, be characterised as premature. That it arrived some days later than Prince Bismarck expected it is possible, but all the more excusable, as, in the Report the question, the 'appel comme d'abus' was also discussed, which Herr von Bülow himself qualified as one of the most abstruse of the French ecclesiastical laws.

We believe we have adduced the proof that Herr von

Bülow's afore-mentioned despatch betrays most clearly the intention of seeking a quarrel with Count Arnim. This is done with the same "goodwill" with which afterwards Count Arnim's legal opinion, partially approved of by the Stadtgericht (Municipal Court), has been fitted into the definition of peculation, removal of records, and offence against public order.

If this had not been the object of the despatch it could only have had the still more sinister object of inciting the French Government by means of continually increasing demands to assume an attitude which must have injuriously affected international relations. For many of the demands which in the contents of the despatch are specified as eventually to be made, the French Government could not possibly comply with.

Prince Bismarck has evidently convinced himself of this also. For after he had subsequently taken the negotiations in hand himself, nothing of all he had caused to be pointed out to Count Arnim by Herr von Bülow as 'undoubtedly attainable,' has been attained by his intervention.

Meanwhile the French Government on the 30th December had issued an admonitory Circular to the bishops. The Duc Decazes communicated it to Count Arnim, and also informed him that the French Ambassador at Berlin would acquaint the Foreign Office of the Circular. The despatch of Herr von Bülow, dated 11th January (See Appendix No. II.) has reference to this Circular, which is also to be found in the proceedings of the trial.

Herr von Bülow says that the French Ambassador had not "communicated" the document placed in prospect by Count Arnim, but had read it to him. The antithesis "to make a communication," and "read it to him," is curious because it is really no antithesis. If Herr von Bülow had cared about ex-

pressing himself clearly, he should have said : — “The French Ambassador has left me no copy, but only read the document to me !” But possibly he intentionally did not wish to express himself clearly.

We infer this from the following remark of Herr von Bülow :—He says—“A date was not given.”

On the Circular which the Vicomte Gontaut-Biron read, the date was surely indicated ; namely, the 30th December, 1873. Why did not Herr von Bülow ask him for it ? For a very perceptible reason. It was necessary to be able to say to the Ambassador :—

“The Imperial Chancellor thinks he must assume that the decision of the French Government has only been arrived at and carried out at the beginning of January, consequently, after your Excellency, on the one hand, had been requested by the telegram of 31st, to make a Report and, on the other hand, after M. de Gontaut-Biron had been made acquainted with the serious nature of the situation on the same day.

“If it were otherwise, it could not readily be conceived why even a confidential intimation of the abrogation of a period of tension should not have been made earlier, either to your Excellency or to the Ambassador just mentioned, which had occupied the attention of the whole European press since the appearance of the mandate of Nîmes, consequently now running over three weeks.

“From your Excellency’s Report, No. 1, of 2nd instant, the Imperial Chancellor has in no wise been able to infer that the alleged ‘previous discussion of the matter had been at all adequate in proportion to the importance of this affair, or had exercised any influence whatever upon the attitude of the French Government.’”

The tendency of this insinuation is too evident to require further elucidation. It is intended to convey that the Amba-

sador had refrained in this matter from taking any steps suitable to the circumstances, and that the prompting of it by the Imperial Chancellor had been necessary in order to obtain even so small an heroic measure as that Circular.

This reproach was not justly cast upon the Ambassador. As already stated, he had the affair mooted on the 19th. The representations which he had made to the French Minister were of the most important character, and conformable, even to the exact details, with the observations which the Imperial Chancellor subsequently made to M. de Gontaut-Biron, and of which the Duc Decazes informed Count Arnim. In his Report, No. 1 of the 2nd January, Count Arnim had not recapitulated *in extenso* all that he had said at Paris about the Episcopal affair. His instructions on the one hand, and the situation on the other, so precisely prescribed the language of the Emperor's representative, that a circumstantial reproduction of his expressions and a transcription of the various despatches which had been forwarded to him for some months previously would have been necessary. Every diplomatist, even one of the least experience, is aware what he has generally to think of the long speeches which the Envoys, according to their reports, insinuate that they have made. It is with these as with the speeches which Livy ascribes to the Roman generals.

To quote personal conversation in diplomatic reports is an absurdity, when there can be no doubt about what it was necessary to say. The Duc Decazes had probably not informed Count Arnim of the Circular at an earlier period, because he had encountered difficulties with his colleagues in regard to its communication to the legations, and its publication to the European public. Count Arnim was aware, from rumours, of the existence of the Circular, but

did not wish to precipitate the official communication of it, because he had a presentiment that its contents would not be deemed satisfactory at Berlin. It is seldom desirable to be obliged to accept a payment on account, still more inconvenient to be compelled to decline it. As is shown by Herr von Bülow's despatch of 11th January, he had not received from M. de Gontaut-Biron any "communication," it is true, but, at any rate, "information" of the Circular, and that he had declared to M. de Gontaut—to the latter's satisfaction—that the affair was thus settled. The joy about it was, however, of only short duration. Whether it was that Herr von Bülow had not on this occasion adopted the precaution to reserve to the Imperial Chancellor the decision "in all respects," or whether Prince Bismarck from any other reason had resolved to prolong the discussion about the mandate,—it is a matter of fact that he invited the French Ambassador on the evening of the 13th to a conference, in which, contrary to the satisfaction manifested by Herr von Bülow, he demanded the application of the '*appel comme d'abus*,' or of the Edicts of 1819. The Duke Decazes communicated to Count Arnim on the 16th January this fresh change for the worse in the situation, and the latter urgently advised him to find means of energetically calling the Bishop of Nîmes to account. Count Arnim reported this to Berlin, and, on the 19th received an intimation not to trouble himself any further about the matter, as conferences with M. de Gontaut-Biron had been commenced. These conferences, as may be observed here incidentally, remained without any result whatever.

Beyond the Circular, which the Ambassador had already obtained, no advantage was achieved. The whole correspondence between Count Arnim and the Imperial Chancellor, which was intended to irritate the former—all the

violent expressions of the Imperial Chancellor, which had created great excitement and uneasiness in the political world,—may be eliminated from history without the final result in any way being altered thereby. The whole affair was decided on the 30th December, and had been completely assured without causing any unpleasantness whatever, before Prince Bismarck interfered in the matter. His intervention was in this case just as purposeless as it was on the occasion of the convention of 15th March, 1873. For what purpose did the Prince meddle in the affair at all? Was it done in order to humiliate France? Was it done in order to place the hated Ambassador in an impossible situation? One is inclined to accept the latter alternative if credence can be given to communications according to which the Imperial Chancellor is stated “to have cautioned the French Government against Count Arnim at that time through secret agents.”

The Imperial Chancellor caused the Duc de Decazes to be cautioned against the Ambassador by an emissary, after this manner:—

“Monsieur de Decazes doit être bien jeune pour se livrer à des épanchements vis-à-vis d’Arnim.”

The *modus procedendi* of Prince Bismarck, which we have proved on two occasions, first, at the conclusion of the convention of 15th March, 1873; secondly, in the settlement of the dispute respecting the Episcopal excesses—can otherwise surprise no one who is acquainted with the Imperial Chancellor’s mode of business. Even in the domestic affairs of the Empire and of the State we meet the same manipulation.

Affairs are allowed to develop themselves for a certain period—a profound silence being observed all the while. Presently the matter is taken up with the impetuosity of a Percy by the political actors, who will upset or at all events criticise everything which has been done so far, and if nothing

can be altered, they, comet-like, recede again to unapproachable distances.

Many people have admired the constitution of the Empire and of the State which can endure such sporadic and high-handed interference without the administration of affairs suffering thereby.

But does it not suffer? That is another question, which shall not be discussed here.

An interesting and an accidental light upon the tendencies pursued by the Imperial Chancellor towards Count Arnim is afforded also by his conduct in another affair, which was a subject of negotiations with France at the same time as the Episcopal excesses. The French press had for a long time given the Imperial Chancellor ground for complaint. Of course it was only the Ultramontane press that was concerned.

Count Wesdehlen had been instructed to complain about it to the Duc de Broglie, and Count Arnim had received analogous instructions. It is unnecessary to enumerate all the despatches of the Imperial Chancellor which bear witness to the fact how sensitive he is to the improprieties of the few journals which are not directly or indirectly inspired by him. An especially interesting specimen of these despatches is another order signed by Herr von Balan, in which Count Arnim was instructed to renew the reclamations against the French daily press "every fortnight." Count Arnim complied with this order with more or less exactness.

At last, at the commencement of January, the *Univers*, on some occasion or other which served as a pretext, had been suppressed in consequence of these reclamations. Count Arnim sent a notification of this, and received the following answer :—

"In my opinion it is not expedient to exalt the *Univers* by acknowledging that its suppression is agreeable to our wishes.

(Signed) "BISMARCK."

Nothing can be objected to in this. But how can this telegram be reconciled with the order to make reclamations "fortnightly?"

A number of communications might be added to the representations which we have given so far of the relations between Prince Bismarck and Count Arnim. We refrain, however, from entering into more confidential occurrences, as they are not necessary in order to assist public opinion to arrive at a verdict. A good deal is known from the trial. Every one who has read the proceedings of that *cause célèbre* is aware of the manner in which Prince Bismarck believed he could disguise the meaning of the question which the Count addressed to him, in order to ascertain whether reclamations should be made at Paris or at the respective capitals against the accrediting of French envoys to the smaller German Courts. But a direct report of the Prince to the Emperor, in which Count Arnim is accused of a "quarrelsome disposition," is not known. *Quis tulerit Gracchos?*

We leave this and a cloud of other things unnoticed. But we ask whether, amongst all that we have communicated, there is anything to be found which has justified Prince Bismarck in adopting towards Count Arnim the irascible tone he has employed.

Has there been a single proof furnished anywhere that Count Arnim has not followed his instructions? Does a scintilla of evidence exist that he had attempted to undermine the position of the Prince? Does a proof of his incapacity exist? Did he delay the conclusion of the convention of 15th March? Did he contribute to the downfall of M. Thiers? Did he neglect anything whatever in the affair of the Bishop of Nancy? Or on the occasion of the Episcopal excesses at Nîmes and Angers? Or, as has also been insinuated,

did he not guard the dignity of the German Empire towards Madame de Rothschild?

[The letter annexed in the Appendix, under No. III., will afford some explanation of it.]

The answer to all these question cannot be doubtful.

There are also witnesses at hand who can testify that no grounds exist for the hatred which has incited Prince Bismarck in his conduct towards the German Ambassador. Indeed a letter of the late Herr von Balan proves it.

Prince Hohenlohe himself admitted to Count Arnim at Paris, in May, 1874, that he had read all the documents at Berlin, and had found nothing which could account for the Imperial Chancellor's animosity.

To the same period at which the mandates of the Bishops were made the subject of representations belongs the origin of the affair which has been publicly discussed quite recently—the case of Duchesne. This much-talked-of boiler-maker had connected himself with a workman at Lille, and the Belgian Government, on its part, had therefore requested the aid of the French police, in order to have the facts of the case ascertained. The essential circumstances of the affair are known. Several letters had reached the Archbishop of Paris, which were signed by Duchesne, in which the writer of the letter offered to murder Prince Bismarck for 40,000 francs. The Archbishop handed over this letter, with every expression of abhorrence, to the French Ministry of Foreign Affairs, which, on its part, communicated it to Count Wesdehlen. All this took place in September, 1873.

The French Government had done everything which lay in its power in order to ascertain what credence was to be attached to the affair. The Belgian Government, on its part,

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had arrived at the conviction that it was not so much a question of an attempt upon the life of the Prince, as of a certainly very reprehensible and foolish mystification, bordering upon malignity, of the Archbishop of Paris. Whether the Belgian Government had a reason for this opinion cannot be determined here; no proof of its correctness has been furnished as far as we know.

According to the recently published documents it has apparently treated the affair with great levity. However this may be, Prince Bismarck looked upon the matter in a different light, and Count Arnim received the order to threaten the French Government that its conduct in this affair should be made public, and that he would denounce it to all the European Cabinets. Besides this, it was asserted that the Archbishop of Paris and other French Bishops had rendered themselves responsible by their mandates for the intended attempt of Duchesne.

The Prefect of Police of Paris thereupon communicated to Count Arnim an entire brief of the Duchesne affair, from which it was clear that nothing had been neglected in the whole matter, on the part of the French Government, and Count Arnim transmitted the communication to Prince Bismarck. The Ambassador indeed was under the impression as to this affair that it was not worthy of engaging the Imperial Chancellor's attention for any length of time.

He, however, refrained from any expression of opinion, as he was well aware that the Imperial Chancellor would have cast upon him the reproach which Don Quixote used to make to Sancho Panza:—"De ne pas se connaître en matière d'aventures." The Duchesne affair had, nevertheless, a very serious importance. In fact, it supplied the proof that Prince Bismarck had a practice of making great questions of the smallest matters which were displeasing to him, and that in

such questions there is no limit, where the matter may be considered as settled.

To the words we have here written we may possibly be answered by the reproach that it is unpatriotic, and that it can only be stated, *suadente diabolo*, that we incur a risk of being one day or other involved in a war by Prince Bismarck, if he shows the same irritability in his intercourse with foreign countries which the German nation *en famille* considers amiable, or at all events finds chronic in him. Meanwhile, the anathema of the "Press Cossacks" shall not mislead us. When war has once broken out, it becomes a duty to suppress one's own opinion as to where the "fault" lies.

But because we acknowledge this we have the right to guard against becoming involved in war without knowing the reason why. The German nation would violate its duty if it blindly placed itself under the influence of irritability of a single individual in the stage which precedes the crisis.

Let us not deceive ourselves. We trust the German nation will not include us in that class of heretics who are hostile to the Empire when we say that the state of chronic uneasiness in which Europe has been for some time past mainly proceeded from the Wilhelmsstrasse,* (the residence of Prince Bismarck, and the Foreign Office).

* During the last few weeks the semi-official press has in a conspicuous manner set its face against seditious agitations. This pacific tendency is evidently the temporary result of the Russian intervention for preserving peace, in consequence of which the German nation learnt from Carlsruhe that war has been countermanded, as it appears France also has now joined the league of the three Emperors. This we can but approve of; the more so, as it agreed with Count Arnim's policy to accustom the nations to peace. But if France is now also allied with the three Emperors, and if Italy likewise joins the North-European policy, against whom shall the three million soldiers march who are now kept under arms?

Not as if Prince Bismarck were longing for new conquests, or demanded fresh military glory for the army, but because the conditions of his supremacy are continually leading him to a pitch where he cannot rest satisfied with ruling in his own great Empire. Even beyond the German frontier they must govern in such a manner as suits his own policy. The insolent tone in which the Wilhelmsstrasse speaks through its organs has brought matters to such a point that the best portion of the sympathies which had been accorded to the German Empire, the Emperor, and his Minister, after the termination of the French war, is in danger of being lost.

Even among our best friends a feeling has sprung up in which they no longer regard the policy of Prince Bismarck with hearty goodwill, but with the feeling we entertain for a crabbed fellow borne off by a runaway horse.

The foundation of the German Empire has been welcomed with joy by the peaceful citizens of all countries, because Europe hoped she had got rid of the vain, restless, quarrelsome man who was beaten at Sedan. But should Europe become convinced that Chauvin has simply shifted his quarters, and that even now "no man's pie is free from his ambitious finger," it will prefer allowing itself to be bullied rather by Paris to being dictated to by Berlin.

The German nation does not desire war, neither does the Emperor, nor possibly Prince Bismarck, and yet the multifarious shifting, self-contradictory manifestations (at times occult, at others made manifest), emanate from a well-known place, by means of which the world is kept in alarm and suspense. No one suffers more thereby than Germany herself, whose welfare bears no proportion whatever to her success.

Prince Bismarck is, more than any one, able to inform the

world as to the imminence of a fresh war with France, and whether the armaments of France are really so extensive as to justify Germany in raising objections thereto.

The Germans will not leave him in the lurch in such a case. But the frivolous game which the semi-official press has made of war and peace—aye, and we must add, the diplomatic bickerings which are carried on at different places,—lead to the supposition that war and peace depend neither upon the German nor the very pacific French Government, but upon the goodwill of some French or Belgian bishops, or one or other of the Catholic unions and international Vatican-loafers, whose opinions are simply worthless.

We have been led into this digression by the Duchesne affair. It, however, claims kinship with this publication, as being, from many points of view, of equal significance in the game of high politics as the case of the *Presse* (of Vienna) is in Arnim's trial.

To be able to appreciate the matter in all its bearings we must now describe in a few words the period at which the final rupture became unavoidable.

The Count was still in office, but it was certain that he would retire from the service.

This period began when the ambassador addressed his complaint to His Majesty on the 24th February, 1874, and ended on the 15th May, the day on which his services were dispensed with.

It is generally supposed, by those who have looked at this affair in a mere superficial manner, that Count Arnim had suddenly furnished a cause, by the much-discussed publication of certain documents by the *Presse* (of Vienna), for

the rupture which was thereby rendered inevitable.* But they forget that during the whole time which preceded the publication Count Arnim was incessantly the subject of the most vehement and insidious attacks on the part of the subsidized semi-official writers. The publications in the *Presse*, so far as they suited Count Arnim's personal interests, could have no other object than the refutation of those attacks.

The Memorandum, it must once more be said here, was nothing less than a document "tending to show that Count Arnim was at one with the ultimate objects of the policy of the Imperial Chancellor in ecclesiastical matters. He was justified in publishing it, since the Memorandum was a private essay which had never formed part of any official records. If the logic of Prince Bismarck was not obscured by other psychological motives, he should have used the Memorandum as a means of advancing fresh arguments in support of the fact that Count Arnim, who was at one time regarded as an adherent of the Pope, considered the conflict with Rome unavoidable. He would then of course have been obliged also to exercise the self-command of doing the Count justice.

Prince Bismarck was guided by other "psychological motives." We find an explanation of his sentiments and his mode of acting in the following letter addressed to Count Arnim by a publicist connected with the Foreign Office :—

"Berlin, 26th April, 1874.

.... "In truth I can write only on general topics.... First of all, however, I must remark that the letters of your Excellency have made a profound impression in all political circles here. That such is the case I have had ample oppor-

* The Count's well-known Memorandum of June, 1870, regarding the Council, and a letter of his of the same period, were published in the Austrian journal alluded to.

tunities of satisfying myself, especially in journalistic and parliamentary circles. There is only one opinion on the matter, and in particular the remarks of important personages—the verbal communication of which I must reserve for another opportunity—will assuredly be agreeable to your Excellency.

“That manœuvres have been attempted with the view of weakening this effect as much as possible will not have surprised your Excellency,” &c.

This manœuvring consisted in nothing less than that Prince Bismarck, who strangely enough felt himself personally aggrieved by the fact that the author of the Memorandum agreed with him before he was authorised to hold the same opinion as the Imperial Chancellor, had exhumed from the archives and published, as was his wont, “official, confidential,” and other letters written in reliance on his discretion, by which it was intended to show that previous to the Council Count Arnim entertained an opinion of the effects of the same at variance with that which he was obliged to form with open eyes during the progress of the Council.

Whoever has followed these matters at all will remember the spasmodic and changeable way in which the semi-official press treated the affair. At length the perplexity became so great—and this, perhaps, answered the intended purpose—that the opinion grounded itself in the public mind that Count Arnim had published “all the official documents” just referred to, which Prince Bismarck, without any cause whatever, had brought to light from the archives, whilst Count Arnim had only published the one letter of the 7th, addressed to a private gentleman, in which the impending Council was dilated upon,—a publication which we have qualified as an act of self-defence.

Prince Bismarck was the publisher, but Count Arnim was called the German "La Marmora," and denounced as such to His Majesty the Emperor. A more remarkable and more perfidious distortion of an occurrence which took place under the eyes of contemporaries has most probably seldom happened, and characterises the truly appalling state of affairs at which we have arrived by the double abuse of money and of power. The question, "What is truth?" is more difficult of solution now than ever. .

The Public Prosecutor has taken hold of these very publications of the *Presse*, in order to deduce, from all the collateral circumstances, various conclusions prejudicial to the Count.

This is the place to call attention to a trick—in French it would be called a *tour*—very frequently resorted to for some years past, the object of which is to bring an obnoxious individual on whom no slur can be cast, into trouble and disgrace without running the risk of being found guilty of slander. This artifice is extremely simple, and the performer has only to be watched closely for the trick to be seen through. It consists in at once speaking with authority—*tanquam ex cathedra*—of a perfectly legitimate action, as if it were a crime. Men are so constituted that, after all, they allow themselves to be gulled by the most glaring twaddle provided it be loudly and continually dinned in their ears.

"L'homme est ainsi fait," says Pascal, "qu'à force de lui dire qu'il est un sot, il le croit, et à force de se le dire soi-même on se le fait croire."

And thus it is with everything. Whoever does not at the outset resist the sudden surprise arising from untruth or sophism will become involved in contradictions which will cause a man even to doubt himself.

If a peacefully-minded man is suddenly and repeatedly accused in the tone of impassioned reproof with reading the

Germania every day, and this accusation is repeated by different persons at various places, the person so reproached will require an extraordinary amount of courage in order not to question his undoubted right to the daily perusal of the said paper.

Whoever takes the trouble to read the parliamentary debates, whoever has the courage to devote his attention to the productions of the "Reptiles," will easily be able to affirm with what success the artifice of brow-beating is applied. In the case of Bismarck *v.* Arnim it has had the greatest possible effect.

"Count Arnim desired a seat in the Upper House!" exclaims the Foreign Office in an indignant tone.

"What an intriguer!" loudly respond the crowd of traffickers in libel which the Foreign Office holds at its beck and call.

"He has aspired to a seat in the Reichstag!"

"What a shame!"

"He has made a report in which he expresses doubt as to the love of peace of M. Thiers." *Ecrasez l'infame!*

The reflection, however, that Count Arnim was fully entitled to aspire to a seat in the House of Lords, or to have himself elected to the Reichstag, and to have an opinion about M. Thiers;—these reflections were made by no one.

The manœuvre just characterised was applied in particular with a certain mastery on the occasion of the "so-called" disclosures of the *Presse*.

After Count Arnim, as already mentioned, had published his Memorandum of the year 1870 in reference to the Council—an act of self-defence against the calumnies of the press inspired by the Imperial Chancellor—and had addressed a letter,* dated 21st April, 1874, to Canon von Döllinger, in which he apologised for certain remarks made about that divine in a

* See Appendix No. IV.

report, he was astonished by the following note of the Imperial Chancellor, dated 5th May, 1874 :—

“To the Imperial Ambassador, the Count Arnim.

“In loco.

“The Imperial Chancellor having felt himself called upon to make the publication of your Excellency’s letters of 8th January, and 18th June, 1870, and that of the letter to Canon von Döllinger of 21st ult., the subject of a representation to His Majesty the Emperor and King, His Majesty has been pleased to command, by a Rescript of 2nd inst., that pending the decision as to further proceedings your Excellency shall be summoned to make an official vindication of your conduct in this matter.”

As Count Arnim had no advocate in the councils of the Emperor who could have urged that the publications were a necessary and legitimate consequence of the calumnies circulated about him by the semi-official press, and as it has been an easy matter for the Imperial Chancellor to represent these publications to the Emperor as high treason and breach of discipline, the Imperial Chancellor was unable to moderate his joy at the finally achieved victory—a victorious joy which manifested itself in the first lines of the Imperial Rescript in the notification “that the summons to plead justification was issued by command of the Emperor,” although the sanction of the Emperor to this step is not even necessary, according to the law relating to the officials of the Empire.

“In conformity with this supreme command, and by order of the Imperial Chancellor, I accordingly request you—whilst calling your attention to the importance which your Excellency’s oath of allegiance imparts to an official statement required by supreme command—to have the goodness to answer in writing the points formulated in detail hereafter.”

[The reference to the importance of the oath of allegiance presupposes the demand that the accused — and such is the addressee threatened at the end of the Rescript with disciplinary inquiry—has to affirm his statements by his oath of office, a demand which we must stigmatise otherwise as an almost incomprehensible one, since it is contrary to the best known of all penal principles; viz., that an accused person cannot be required to make a statement upon oath in his own cause.]

“The journalistic discussions which your Excellency’s letter, published in the Augsburg *Allgemeine Zeitung* of 25th ult., caused to be continued, have their origin in a communication of the Vienna *Presse* of 2nd April, this year, headed ‘Diplomatic Disclosures,’ and ostensibly dated from Florence, 27th March last.

“For a just appreciation of the state of affairs which has resulted from the publication of these documents, and since avowed by your Excellency, it will be first necessary to ascertain at whose instance, and by whose instrumentality, they have been made public.

“Your Excellency will have the goodness to explain whether this publication, as advices from Vienna affirm, has emanated directly or indirectly from yourself, or whether it has originated in communications to the respective papers by third persons—at any rate, whether you have had previous knowledge of such publication being intended; and, in case of one of these presuppositions being correct, to state the names of those persons to whom the disclosures to the Vienna paper are to be attributed. If your Excellency is able to affirm officially that you have in nowise been concerned in the publication, neither by your own initiative nor from previous knowledge of the intended publication on the part of others, you will then have to state who, in your opinion, can have forwarded the letters in question, or to whom the allusions to personal meet-

ings, in the year 1870, made in the *Presse* preceding the insertion of the first letter, can, according to your knowledge, refer. Lastly, it is requisite that your Excellency should name the addressees of those letters, and eventually endeavour yourself to ascertain them by further inquiry, whether and to whom they may have given copies of these documents, or to whom they ascribe the present publications. If, as is reported, Herren von Döllinger and Hefeke were the addressees of your letters of that time, it is not probable that these gentlemen would have caused the publication, which is contrary to their interests. The Foreign Office, however, has a right to your Excellency's co-operation in ascertaining the author, as your Excellency, in consequence of your having made communications in private letters about confidential official matters, which could be and have been misused by opponents of the Government, has assumed the responsibility of this misuse. Neither can it have escaped your Excellency that the disclosures of the *Vienna Presse* referred to have provided the entire German and non-German political daily literature with material for hostile agitations and misrepresentations of the policy pursued by His Majesty's Government towards Rome and the Council. In consequence of various communications which have reached the Foreign Office it will become necessary to receive from your Excellency an explanation as to whether you are in any way informed as to the origin of the article in the *Spener Gazette*, dated 15th April of the current year, signed 'Bossart' (herewith enclosed for your information), and whether your Excellency has given direct or indirect occasion for the writing of it, or has received intelligence of an impending publication thereof by the newspaper mentioned.

"I am, moreover, directed to demand a similar explanation in regard to the article of the *Silesian Gazette* of

20th April,* as well as of other articles (likewise enclosed) headed :

“ ‘ Count Arnim—Prince Bismarck,’ and signed ‘ B.’ ”

“ In the last place, the explanation I have to ask of your Excellency in reference to the letter to Canon von Döllinger of 21st ult. it will be necessary to verify in a formal manner by your official statement ; first, whether you have written the letter ; next, whether you have forwarded it to the *Allgemeine Zeitung* for publication, or have caused it to be forwarded ; or, if its publication has been caused by the addressee alone, whether he could in any way consider himself authorised by your Excellency to do so.

“ That your Excellency approved of the publication of the letter, and expected it, you have yourself meantime admitted in an open letter to a local paper here. If your Excellency admits the authorship of this letter it will be your duty to vindicate yourself as regards the consequences which must necessarily have ensued, and have, indeed, already prejudicially resulted from the public opposition of a high official in active service to the policy pursued by the Imperial Government, with the sanction of His Majesty.

“ In this respect I have to remind your Excellency that, prompted by the appearance of your letters, first published in the *Presse*, most vehement polemics have been carried on in the journals hostile to us of all countries for several weeks previous to the date of your last letter to Canon von Döllinger, and thus it was established beyond doubt what an impression further emanations respecting this question, appearing in your

* The *Silesian Gazette*, a paper which has existed for the last hundred years, and of all German papers has maintained the greatest independence in both directions, by regarding neither the Roman nor the Prussian infallible “ to be infallible,” published an article which we give in the Appendix as No. V. to which we beg to call attention.

name, must produce. If your Excellency considered any rectifications desirable as to facts respecting any expressions which had emanated from you, or were attributed to you, it was evidently your official duty to apply first to your superior authority, and through the same to His Majesty the Emperor, and eventually to obtain the official sanction for public statements of a political nature. In case you felt aggrieved that some of your former reports had been published in the interests of the public service, and in refutation of the suspicions regarding our pacific sentiments towards the Catholic Church, raised by the Ultramontane press with reference to the 'disclosures' of the Vienna journal, your Excellency might have submitted your complaint, either in a memorial addressed directly to His Majesty the Emperor, or in reports to the Imperial Chancellor. No other course is open to His Majesty's functionaries. Instead of adopting this course, your Excellency has appealed direct to public opinion, in order to impeach our policy, pursued in accordance with His Majesty's commands, as fraught with serious consequences, and guilty of grave errors.

"His Majesty the Emperor has already expressed himself in regard to such a proceeding in a tone of severe reproof. It will now depend upon the explanations which your Excellency is called upon to give how far it will be necessary to have recourse to the laws applicable to officials of the Empire, and of putting them in force against your Excellency.

"By order of the Imperial Chancellor.

(Signed) "VON BÜLOW."

We regret that Count Arnim did not reply to this mandate with the simple declaration that Herr von Bülow was in no wise entitled to ask these questions.

Instead of this, he disclaimed in a comparatively polite

form all responsibility for the disclosures of the *Presse*, and distinctly denied having had any communications with the *Spener* and *Silesian Gazettes*.

The lecture which Herr von Bülow had incurred through his unauthorised questions he received indirectly by the communication of a letter addressed to Count Arnim by Herr Lecher. As we said, it would be desirable that Count Arnim had replied in some other and more dignified manner.

He should perhaps have said :—

“I have the honour to humbly reply to your Excellency that I do not consider myself called upon to answer the questions put to me, nor to devote myself to the services which you demand of me.”

He did not do so, and thereby very probably committed a tactical error. But how any one could *bonâ fide* discover in the text of the reply given by Count Arnim that he disavowed all connection with the Vienna publications is incomprehensible.

He denied his relations with the *Spener* and the *Silesian Gazettes* in perfectly plain terms. With regard to the Vienna disclosures he merely said, “I am not responsible for them.”

The meaning is clear :—“I have nothing to do with these matters. It is not your place to question me concerning them, and I decline expressing myself respecting them.”

This meaning of the answer has been quite correctly grasped in the Foreign Office also. They had, however, good reason for assuming that other persons besides Dr. Landsberg and the editorial staff of the *Presse* were involved in these so-called disclosures, and they imagined that Count Arnim, on his part, was bound not to name those persons under any condition. It was also known that these persons could not be compromised at all by any communications of Herr Landsberg.

Hence the impassioned zeal with which the Foreign Office endeavoured to discover the clue to the real state of the matter.

The attempts at bribery which were made at Vienna in order to entrap Count Arnim with the aid of the "Welfenfond," probably as an adherent of King George, are notorious.

Similar things have occurred at other places.

The principal activity of the police on behalf of the Foreign Office, was directed to this one point.

It was of importance, as Herr von Radowitz revealed to Dr. Beckmann in a confidential conversation, to prove that Count Arnim had officially told an untruth.

For this reason also had Herr Tessendorf attached such great importance to this question, and received a negative reply from the Provincial Court of Justice at Vienna; for this reason, likewise, did the Public Prosecutor, Herr Tessendorf, insist upon the examination of Dr. Landsberg and demand that he should, if necessary, be forced to give evidence.

And yet all these things are of no consequence, for Count Arnim never denied having given the Memorandum to a third person. Neither had he any personal interest in denying it.

People only disclaim what they are not justified in doing.

Count Arnim, however, was entitled to dispose of the Memorandum.

This is just the point which is to be sunk into oblivion. By means of criminal proceedings it was sought to dispose of an incident which in itself had nothing criminal about it. By this proceeding, however, an impression was produced on the masses, and perhaps in a certain quarter where it was intended to exercise a particular influence, that the occurrence, as it happened, once in the hands of the criminal judge, constituted a sort of crime.

Count Arnim remains a "La Marmora," that is to say, a person of whom, according to the view of Prince Bismarck, everything infamous may be expected.

The official documents which Prince Bismarck took out of the secret archives of the State, not in order to clear up an obscured occurrence in the public interest, but in order to be revenged on the Count, compelled the latter to address the above-mentioned letter to Dr. Döllinger, dated 21st April, 1874, which the public press pounced upon again, in order to give it a wrong and arbitrary signification.

They talked of the Arnim Pronunciamiento, and treated him as a traitor.

Of the semi-official papers, it was only the *Spener* and the *Silesian Gazettes* which did not join in the chorus.

Dr. von Döllinger, likewise, who was in a position to know the truth, protested in a letter* printed below, against the

* This memorable letter is to the following effect:—

"Your Excellency,

"How I regret being at so great a distance from you, and how eagerly would I call upon you, if it were only possible, in order to obtain from you, perhaps, the solution of the mystery, namely, as to why the letter you had the goodness to write to me has provoked such a furious storm. It almost seems as if we had unwittingly trodden upon a petard lying on the ground, which now explodes *cum immani fragore et ruina*. In all the journals which are either altogether or partly under the influence of the Berlin Press-bureau a rivalry is observable to put a false construction upon the words of your letter, to distort the really tolerably clear sense of it, and to find attacks upon the Imperial Chancellor, where, by every unprejudiced reader, only a calm judgment of the difficulties of the present situation, which, truly, no one can conceal, is to be found. When I decided upon availing myself of your permission to publish the letter, it was above all things the testimony contained therein as to the genuineness of the Memorandum which induced me to do so; for I considered it would be

construction which had been put upon the Count's letter to him, dated 21st April, 1874, and the Ambassador's Memorandum in reference to the Council.

The letter of this man whose spotless character has a European reputation, whose patriotic and loyal sentiments are acknowledged by all Germany, is an unprejudiced apophthegm in regard to the controversy as to the side where justice and morals have been trodden under foot. With his honourable character even the thought does not occur to this man of the possibility that personal hatred could turn the Ambassador's publications, which he qualifies as a "service (*sic*) rendered to the good cause," into a weapon against him. Whilst the Imperial Chancellor makes use of that letter of the Count, dated 21st April, as a pretext to accuse him of high-treason, Dr. Döllinger acknowledges in an unprejudiced manner that "it was a mystery to him that the letter published in the

a service rendered to the good cause if the attempt of the *Norddeutsche Allgemeine Zeitung* and of other papers to cast suspicions upon and to weaken this masterpiece of statesmanlike discernment and foresight were frustrated. That one would find in the letter a hostile tendency directed against Prince Bismarck did not occur to me; nor had my friends here, whom I since questioned about it, discovered anything of the kind in the letter. Could there, then, possibly be persons in Berlin, whose interest rendered it imperative that they should sow discord between the Imperial Chancellor and yourself?

"But I am losing myself in conjectures, and only feel too greatly that I am far too much deficient in the knowledge of the state of affairs and personal relations there in order to be able to form for myself even only a probable hypothesis of the underlying motives.

"May your health, endangered and shattered by the recent misfortunes and excitements, be restored! I pray God it may be. With the most sincere respect and regard,

"Your Excellency's most obedient,

(Signed) "J. VON DÖLLINGER."

"Munich, 11th May, 1874."

Presse had provoked such a storm against the Ambassador."

Not even a suspicion strikes this man that the Imperial Chancellor himself might be the originator of this storm against the Ambassador. Whilst the Imperial Chancellor specifies the Count's Memorandum about the Council as the *corpus delicti* of the crime of high-treason, Canon Döllinger thinks "it would be a service rendered to the good cause—*i. e.*, to the country—if the attempt of the *Norddeutsche Allgemeine Zeitung* to cast suspicions upon and to weaken this masterpiece of statesmanlike discernment and foresight should be frustrated." Dr. von Döllinger is so little able to conceive the idea of the possibility that the Imperial Chancellor might himself have an interest in the dissension between him and his Ambassador that he can only attribute to strangers the shameful attempt to make mischief between these two men, and that he addresses the *naïve* question to the Count:—"Could there, then, possibly be persons in Berlin whose interest rendered it imperative that they should sow discord between the Imperial Chancellor and yourself?"

Truly, the apophthegm of this man cancels all contrary verdicts.

Count Arnim hastened to Berlin in order to give his Majesty the necessary explanations. Prince Bismarck, however, had barred his way to the King. For the immediate object this was a skilful move on the part of the Imperial Chancellor. But it is not in accordance with the well-known traditions of Prussia to prevent the Sovereign from personal intervention where it alone could yet be of avail.

Equality before the law and the necessity of respecting the hierarchical forms were in this case out of the question.

Equality before the law existed no longer from the moment that Prince Bismarck, who was in conflict with the Ambassador, had the ear of the Sovereign, while the Ambassador was shut out.

Between the Emperor on the one side and the Imperial Chancellor and the Ambassador on the other, there was no intermediary authority to whom the two contending parties could have appealed with equal rights for a decision. Where an intermediary authority was looked for, there was the Emperor. Prince Bismarck pleaded his cause before him, not publicly, but in secret, in confidence, with discretionary choice and a possibly unfair use of all the material at his disposal. In opposition to this it was intended that the Ambassador should be restricted to answering "in writing" several questions, which were not at all decisive as to the real cause of the quarrel, but which were submitted to Count Arnim in order to put him wrong with the King. The Emperor had by the logic of the situation become judge between the Imperial Chancellor and the Ambassador.

If any one, however, imagines His Majesty to be the judge, how can it be explained that the party who was already the stronger had free access to the supreme judge, but not the weaker? In consequence of the Ambassador being denied access to His Majesty, he was condemned beforehand.

By this means the signal was given to the whole army of Court lackeys of every rank, and to the bureaucrats, to swoop down upon him who had fallen into disfavour with the fury of those who are eager to participate in the inheritance of one "morally executed." In this manner, the system of persecution and calumny was sanctioned which subsequently bore the choicest fruit. The refusal of His Majesty to receive Count Arnim became all the more por-

tentous for the latter, as, in consequence of this circumstance the exigency became paramount in the highest Court circles of being able to prove things in the Ambassador's conduct which were calculated to explain such an unusual treatment of a highly-placed official. After his Majesty had once in this manner taken part against Count Arnim his retirement from the service was the inevitable consequence. He was, however, perhaps, justified in saying with Villeroy, the Minister of Henry III.: "Le roi aurait mieux fait de me laisser sortir par la porte à laquelle j'ai si longtemps frappé que de me jeter par la fenêtre."

We have now, in the survey of the Arnim affair, arrived at the period which commenced on the 15th May—that is, on the day of the Count's temporary retirement,—and terminated on the 4th October, the day of his arrest. As regards this period also, it will be important to examine whether, during its passing, the attitude of the Foreign Office was of such a nature as to justify the question: "Was it the tendency of the Foreign Office to ruin Count Arnim?" Much of what has taken place in the period referred to is not a matter of discussion; much is no doubt buried in the secret archives of the Police and Foreign Offices.

Count Arnim, on his part, endeavoured to bring about an investigation of the whole affair by the appointment of a select commission which he solicited from His Majesty. A commission composed of qualified functionaries would to some extent have replaced the Special Courts which are convoked

in the Army and Navy to pass judgment on official occurrences, and for the understanding of which a technical knowledge is necessary.

His Majesty, it seems, was not averse from acceding to this request of Count Arnim. Herr von Bülow, however, who was staying with the Emperor at Wiesbaden, called His Majesty's attention to the circumstance that Prince Bismarck would make a Cabinet question of the rejection of Count Arnim's prayer. This consideration therefore induced the Emperor to decline the request of appointing a select commission.

In the answer forwarded to Count Arnim by Herr von Bülow, it is stated that the appointment of a select commission would not be in keeping with the traditions of the Imperial service, and that the existing disciplinary laws sufficed for judging the conduct of subordinates towards their superiors.

It is not quite intelligible how, in the three years which have elapsed since the foundation of the German Empire, traditions of the Imperial service could have been formed. But as regards the traditions of the Royal Prussian service, many select commissions had been appointed in order to obtain a basis for deciding delicate cases in difficult questions of the service.

For example, Herr von Bunsen and Count Usedom were confronted by a select commission whose duty it was to supply His Majesty with the material for judging of the conduct of these two diplomatists.

It is a mere matter of course that the opinion of such a select commission is not so decisive as the judgment of a disciplinary or a criminal court.. But it is undeniable that there are a number of cases which cannot be brought under precise paragraphs of the code.

Hence the reference to the existing provisions of the disciplinary laws in von Bülow's reply was not apposite; for, as has already been said, these provisions certainly afford the Imperial Chancellor the means to chastise his subordinates.

We do not find in the so-called official's law a protection against wrongful treatment at the hands of the Imperial Chancellor. It indicates no authority to which the wronged official could have recourse, or to which he could submit his complaint.

In this respect the Ambassador is in a much worse position than even the soldier or the sailor.

After His Majesty had refused the prayer of Count Arnim for an investigation of the matter, the latter could do nothing more than await the further attacks of his enemies. They worked partly in secret, partly publicly.

Of the secret machinations, of course, only very little can be proved, and the little that can be proved cannot be related except with great reserve.

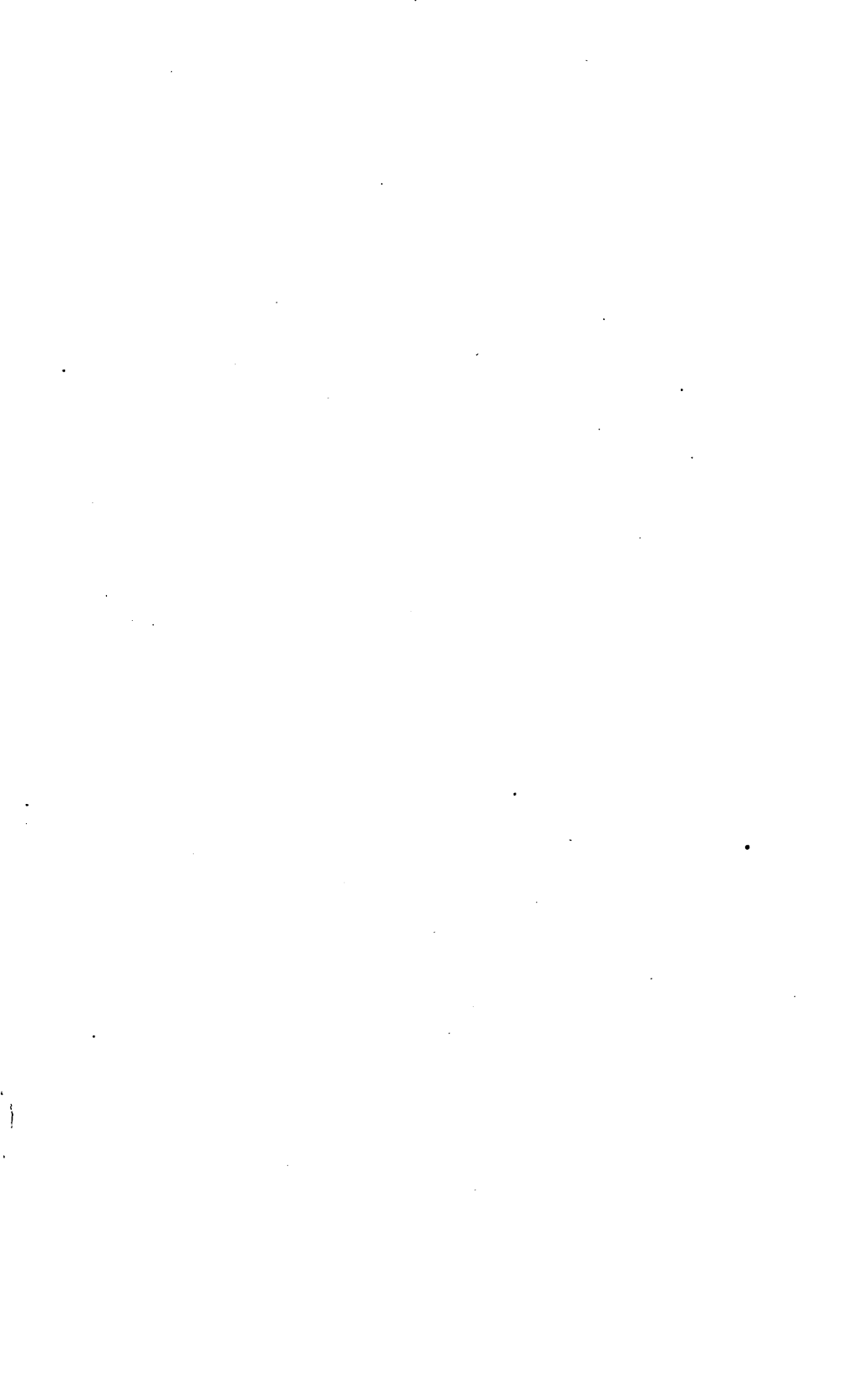
Herr von Bülow took quite an exceptional step in issuing a circular to all diplomatic agents of the German Empire, in which Count Arnim was pointed out as a dangerous individual against whom a disciplinary investigation would in all probability be instituted.

If there were, up to that time, two categories of officials—those against whom a disciplinary investigation could be instituted, and those against whom no disciplinary investigation was pending—a third category was now added, namely, that of the official against whom an investigation would “probably be instituted.”

We think, however, nothing need be said in order to characterise in its proper light the iniquity of such a measure.

The searches which took place in the editorial offices of

different newspapers have partly obtained publicity. In part, the public have heard nothing of them. Persons in a high position, and quite unconcerned, became on this occasion the subjects of a secret supervision on the part of the police.



SUMMARY.

Having in the preceding pages made a chronological survey of the gradual rise and progress of the Arnim-Bismarck trial, it is necessary, in order that the reader may have an adequate general idea of the whole case, to collect and summarise the various facts and characteristic peculiarities presented in this historical narrative.

An unexampled stroke of fortune, the death of the King of Denmark, in 1863, rescued Herr von Bismarck from the mischievous and untenable position in which the announcement of his now antiquated theory of "ruling by a minority"* had placed him, and against his will led to circumstances the bold and clever adaptation of which made him the conqueror of Austria. To fill up the measure of his good fortune, he was, in spite of his pacific intentions, of which in the case of the Luxembourg question he had given evidence that was unwelcome to South Germany, and contrary to his own inclinations, forced by an infatuated people into a war, to avert which he had suffered already a diplomatic defeat, namely, the renunciation of the candidature of Prince Hohenzollern for the Spanish throne. The army having made him the conqueror of France, his name became a symbol of power all over the world. In his own country he is considered indispen-

* In 1862, during his ambassadorship in Paris, he visited London, waited on Lord Palmerston, who immediately after the interview communicated to a still living diplomatist what appeared to him Herr von Bismarck's inconceivable idea of ruling by a minority. According to later official utterances he has given up this form of government.

sable, and as long as he has that reputation he really is so. This belief gives him despotic power. Suddenly a man arose, who threatened to rob him of his charm of infallibility, and whom the public pointed to as his successor. Anxiety about the fickleness of fortune stole over the Chancellor's mind, and he determined to put aside the rival. But how to dispose of him? In Turkey, the Grand Vizier was constitutionally justified in sending the silken cord to any too important Pasha; but in Prussia, before the introduction of ministerial despotism, it was impossible to get rid of a useful and faithful subordinate by means of chicanery. The Chancellor has indeed several times succeeded in persuading the Emperor to depose diplomatists who had grown grey in the service, and whom the Emperor had spoken of in the conversation we have reproduced as "faithful servants." But they had had the imprudence to condemn, officially or publicly, some of the Chancellor's political measures, or they had been guilty of reticence which might be construed into a diplomatic blunder. It is well known that the position of a diplomatist, more than that of any other political officer, gives the superior an easy handle for disparaging criticism, for the harshest and almost unanswerable reproaches, because in most cases there are in this particular sphere no fixed general rules according to which the matter in hand is to be decided. The superior is therefore constantly in a position, after the subordinate has accomplished his task, to dictate how the matter *should* have been managed.

The Chancellor hoped for an opportunity of convicting the Ambassador in the eyes of the Emperor either of opposition to his policy or of incompetency. The prospect of such an opportunity was indeed but small, for in the first place the Ambassador had never had an intention, and much less given utterance to an intention, of thwarting the policy of the Imperial Chan-

cellor; and, secondly, his keenness, his tact, and his thirty years' experience, which had gained him the reputation of being one of the most accomplished diplomatists, left little hope of his committing any gross blunder. But one of the Chancellor's most striking characteristics is never to be at a loss for means. Charges founded on falsehood have, in many cases, the same effect as those which are based on truth.

We saw how in the matter of the Bishops' pastoral letters the Ambassador was blamed for "not having interfered of his own accord and at the right time, and for not having sufficiently protected the rights of the Fatherland, and even the dignity of His Majesty the Emperor."

Never was the Chancellor so unfortunate in his choice of a pretext for an accusation. The Ambassador had not only made pressing representations to the French Government about the Bishops' letters, but he had the additional triumph of having indicated and recommended to the Chancellor the very means (and the only means possible) by which the satisfaction had been obtained from the French Government in the shape of an administrative measure, consisting in the Bishops being admonished by the Minister of Public Worship. The Chancellor, on the other hand, with that want of knowledge which he unjustly attributed to the Ambassador, desired to proceed judicially, and demand the application of certain paragraphs of the French Penal Code. After the dispute about the applicability of the French Penal Code between the Chancellor and the Ambassador (who was on this point better informed than his superior) had been brought to an end by the Chancellor making, on December 31, 1873, the announcement, derogatory to the capabilities of his Ambassador, that he would henceforth himself conduct the negotiations with the French Ambassador in Berlin, and the latter having on the 10th January, 1874, communicated to the Imperial Chancellor

the circular of the French Minister of Public Worship of December 30, 1873, in satisfaction of Germany's offended honour, the Chancellor started a fresh quarrel with *his* Ambassador, based on the question as to whom the credit was due of having obtained satisfaction—to the Ambassador or to the Imperial Chancellor. That circular could not be the result of the conference begun by the Chancellor on December 31, 1873, since it bore the date of December 30, 1873. To mystify matters, the date of the circular was referred to as unknown in the communication which the Chancellor issued respecting it. But the Ambassador was in a position to ascertain the date in Paris, and it was therefore easy for him to show that that circular was the result of *his* exertions, and that the reproach of his non-intervention was therefore utterly groundless. The ill-feeling of the Chancellor about that settlement, which seemed to him afterwards very inadequate—as indeed it was so far as he was concerned—produced the strange result that a week after the satisfaction had been received from the French Ambassador the Chancellor suddenly repeated his request that judicial proceedings be taken against the Bishops. But this, of course, he demanded in vain.

Naturally this disappointment was as oil poured on the fire of the Chancellor's wrath against his able Ambassador.

We have seen that the convention of March 15, 1873, and the fall of Thiers were made the pretext of another false accusation. We have seen that the Ambassador himself took the initiative for that convention, and that notwithstanding the Chancellor's telegram, "We can wait," he endeavoured to push forward the conclusion of that convention, which took place long before the fall of M. Thiers.

We have seen that he was, nevertheless, accused of not having at the right time communicated to the French Govern-

ment the proposals of his own Government respecting the convention, and more especially of having delayed the conclusion of the convention with the intention of upsetting the Thiers Government, and substituting an Ultramontane and Monarchical *régime*. Here, too, it was easy for him to justify himself before the Emperor; and although he received no official satisfaction—the inflexible Chancellor always making a Cabinet question of the decisions of the higher authority should they happen to be inimical to his interests—yet the Emperor in a private audience told the Count “that the matters respecting the convention had been likewise settled in his favour.”

Another method of ridding himself of his hated enemy than the unsuccessful attempt of recalling him through the Emperor was now adopted. Harsh or unjust treatment will induce even the lowest menial to resign his place. The Chancellor hoped that a sense of injury would produce a similar result in the case of a man grown grey in the service, and by universal consent entitled to a certain amount of self-esteem. The Count was to be driven to the suicidal act of resigning office. An inexhaustible amount of censure was to be heaped upon him. We have seen how he was blamed for reporting to the Chancellor a political conversation he had had with the Danish agent Hansen, although such a report was merely the fulfilment of a public official duty. We have seen how he was blamed for not reporting in the matter of the pastoral letters of the French bishops, although he had in reality presented a most exhaustive report. We have seen how he was blamed for not reporting on the French position in a manner “agreeable” to the Chancellor, who wished to have the statements “coloured” to suit and support his policy with the Emperor, although it is a conscientious representative’s first and most undoubted duty to give information to

the best of his knowledge and based on his own observations, and it would clearly be high-treason to prepare his reports according to the wishes of the Foreign Minister. We have seen how he was commissioned to make representations every fortnight to the French Government respecting the press, that through his representations the *Univers* was suspended, and that for this he was blamed and informed that the suspension of a paper was a puff in its favour. We have seen how he was blamed for not correctly understanding the French Penal Code, though, as the result showed, this was the very subject misunderstood by the Chancellor himself. We have seen how he was blamed for delaying the close of that convention for which he had taken the initiative, and used his best efforts to bring it to a conclusion. We have seen how he was blamed for not maintaining the dignity of His Majesty the Emperor in the matter of the pastoral letters of the bishops, although satisfaction was obtained from the French Government through his intervention. We have seen how he was blamed for the fall of M. Thiers, although the latter fell solely through Prince Bismarck favouring his belief in the unassailability of his position. The Count had it most insultingly thrown in his face in the despatch of the 19th June, 1873, quoted by us, that he required eight months to convince himself of a truth which a man of common understanding would instinctively know as an axiom, namely, that "you must not allow your enemy to grow strong."

We should search in vain among the diplomatic archives of civilized States for a correspondence between Minister and Ambassador showing in like manner the ostensible intention of injurious treatment.

To these official reproaches were added complaints of want of tact from the official press, such, for example, as that he had not sought to make the acquaintance of Marshal

MacMahon, when established etiquette required the opposite course; then, again, that he had asked to be presented to the Marshal, and that after the Marshal's election to the post of President he had displayed unseemly zeal in his recognition of that act, whereas, on the contrary, he had endeavoured to moderate, and had succeeded in moderating, the eagerness of the representatives of the other Powers. To inflict a keen humiliation on the Ambassador in the eyes of the French Government, and of the whole diplomatic body, the convention of the 15th May, 1873, which he had initiated and carried to a conclusion, was, as we have seen, not formally signed in Paris between him and M. Thiers, but in Berlin, between the French Ambassador and the Chancellor. Such a proceeding is usually considered as implying disavowal in the case of a diplomatic agent, and as a proof that he has not succeeded in bringing the matter in hand to a satisfactory issue.

As a crowning point to the disrespect he had experienced, the Ambassador found the door closed against his various attempts at obtaining an audience with his Minister, in order to bring about an understanding by personal explanations. When an interview was at length granted him, it concluded with the words: "I know you from your youth; you said, years ago, that in every superior you saw your natural enemy. I am now that enemy."

The convulsive, furious efforts of an elephant to get rid of a fly excite the merriment of the spectators by their futility, and by the odd contrast they afford. The vain efforts of the strong man to get rid of his adversary certainly afford ample scope for observation and amusement. In proportion as the reproaches failed to produce the desired effect, the more absurd became the pretexts for fresh accusations. The complaint that the Ambassador ought not to have reported a con-

versation with the Danish politician is absurd, but the reproach that he had not reported it as the Chancellor wished is more ridiculous still. The cleverness of the Ambassador's administration was equal to the unskilfulness of the Chancellor in revealing the real meaning of his discontent. The better the administration of the Ambassador, the worse the conduct of the Chancellor. When the Count requested an interview with the Chancellor in order to learn his wishes about the reports, the Chancellor bowed him out of the room. Another amusing incident was the great Minister's total want of self-control. He could not conceal before his subordinate his apprehension of being, maybe, superseded by him, and it found vent in the angry reproach:—"Years ago, you said that in every superior you saw your natural enemy," a reproach which sounds very strange in the mouth of the worst enemy of the subordinate he was addressing. We leave it an open question whether the Count's prophetic foresight had years ago revealed Herr von Bismarck as his most inveterate foe.

The Chancellor's plan of driving the Count to the suicidal act of resignation by his insulting treatment was baffled by the very reasonable reflection of the latter that he was not the Ambassador of the Chancellor but of the Emperor, and that it was to him, and not to the Chancellor, that the question of his recall should be referred. The Ambassador did so, when, on February 24th, 1874, he complained to the Emperor against the Chancellor. While waiting the Emperor's decision the Chancellor had succeeded in putting into operation the means of paving the way for the Ambassador's removal. The calumny, originating in the official Press-bureau that the Count was at the head of a Conservative conspiracy against the Imperial Chancellor, and a secret supporter of the Pope, was scattered broadcast through the German press. After the Ambassador had applied at various times,

in vain to the Chancellor for a denial of the falsehoods circulated about him in Bismarck's organs of publicity, he considered it an act of justifiable self-defence to publicly vindicate himself of those open calumnies. He had published his Memorandum of the Council of June, 1870—a private paper addressed to a friend, and not relating in any way to any official records. This document not only strikingly refuted the lies of the official press by showing that the Ambassador was in perfect accord with the Imperial Chancellor's ecclesiastical policy, but it proved more, and, unfortunately for the Ambassador, far more than was agreeable to the Chancellor, because it exalted the Ambassador to the rank of the prophet, who, in 1870, had anticipated with literal exactness all the measures subsequently adopted in Germany in consequence of the declaration of the Papal Infallibility. The Chancellor's wrath increased in proportion to the praise which the pamphlet received from the whole independent press of Europe, as a masterpiece of statesmanlike discernment. At the time when Dr. Döllinger, whose pure mind was unable to conceive the intrigues set on foot, was impartially expressing the impression which the Memorandum must produce on every right-thinking man—at the time when this true and loyal defender of the State was naïvely rejoicing at the blessing to the country of this paper putting a stop to the rumours of the alleged political split between the Chancellor and the Ambassador—at this very time the former was complaining to the Emperor that Count Arnim was thwarting his policy and damaging the interests of the country by the publication of his Memorandum. He had thereby merely defended himself against the imputations of high-treason, and that defence was now stamped as a crime. We have reproduced the despatch ordering the Ambassador to justify himself, and which was issued in the name and by the command of the Emperor, in

order to make him sensible of the loss of the Imperial favour. What a mockery to inform him that the only mode of justifying himself against the accusations of the Bismarck press was by applying to Prince Bismarck himself, that is to say, to complain of Bismarck to Bismarck! Count Arnim had already tried this several times, and always in vain.

The accused wished to defend himself before the Emperor, but the Chancellor had persuaded the latter that the Ambassador was a traitor, and that traitors could not be received. Count Arnim desired the immediate appointment of a special commission. The Chancellor had at one time, on the motion of Herr Lasker, willingly consented to the appointment of a commission of inquiry on the railway scandals, an unheard-of proceeding in the annals of Prussian administration; but in the case of the Ambassador he made of the refusal of the desired commission a Cabinet question, under the pretext that the appointment of such a commission was contrary to the traditions of the German Empire. Count Arnim was sent by Imperial command into temporary retirement.

But the Chancellor now justly feared that having been deprived of the loyal means of justification before the Emperor by the disloyal intervention of the Chancellor the Count would publicly justify himself by means of the documents to which he had access. The Chancellor felt all the greater anxiety about their publication that their contents would in no way injure the interests of the country, but only the personal interests of the Imperial Chancellor. The Ambassador was, in point of fact, far removed from any such intention, or he would, for the sake of secrecy, have taken copies of the papers and left the originals in the offices of the Embassy. He was simply actuated by the very reasonable motive of not wishing to leave behind him proofs of the shameful treatment he had received.

When it was discovered that there were missing from the Embassy at Paris not only certain documents relating to ecclesiastical policy but also that correspondence which was qualified as "the litigious documents," the contest for their possession began. All the powers of the State were at the disposal of the Chancellor, to whom every functionary in the kingdom willingly submitted. An incompetent Judicial Court, whose incompetency a subsequent judicial sentence fully confirmed, ordered an arrest, although a later juridical decision declared the absence of any legal ground for such a step. The English Premier, Mr. Disraeli, having stated in an after-dinner speech that the English workman was more secure against unjust arrest than the continental aristocrat, the Chancellor required him to explain that he had not alluded to Count Arnim's imprisonment. Incapacitated by sickness from defending himself, the prisoner was denied communication with his defenders. Every effort was made to ensure his condemnation, because a verdict of guilty would be civil death to him, while a declaration of innocence would deal a severe blow to the Chancellor. The Prussian press, which with the exception of some Ultramontane papers hostile to the Count was almost exclusively subsidised from the "Reptile Fund," condemned him before the judges had spoken. The sympathy of the Austrian press with the accused was treated as a political attack on Germany, and its suppression was demanded as an affair of national honour. Paragraphs of the law were so misinterpreted as to make the condemnation of the Ambassador possible.

The Imperial Chancellor, having accomplished his design, can have the satisfaction of reflecting that the epitaph of the great Arnould, the hermit of Port-Royal, and a victim of Richelieu's ministerial despotism, may some day be inscribed on the tomb of Count Arnim: "He died—*Errant, pauvre, banni, proscrit, persécuté.*"

The more we think about this trial, the more clearly are we convinced that a great injustice has been perpetrated, and that a great wrong has to be atoned for.

This injustice was not, and could not, have been perpetrated without the participation of the nation.

Nations are the destroyers of great men.

Nations who praise everything in their favourites are answerable when these favourites lose the power of controlling their passions.

Every man, even the greatest, is afflicted in some part or other of his nature with the common curse of humanity, and the mob, whose natural element is the miry ooze, cling to this baser part. "Every Alexander finds courtiers to praise drunkenness, because Alexander is fond of wine."

Here lies the danger for all heroes, and especially for those who have rapidly and unexpectedly, through swift success, risen to the highest points of human greatness.

This is the rock on which morally, if not ostensibly, these immortal *parvenus*, the Napoleons and the Bismarcks, are wrecked.

They owe the rise of their power to extraordinary circumstances, which they knew how to control. The extraordinary is their element. When this begins to fail they must find fresh excitement. They must throw the ferment of their passion into the ever effervescent mass of rancour and ferocity by which people are infatuated. Only crazy or decaying nations become the slaves of tyrants. Only when the senses have been made aberrant through passion or blunted by apathy are priests found to offer their ministration to those who are no gods.

The wearers of hereditary crowns do not run a similar risk. They feel like links in a chain. What they do not accomplish themselves they leave to their successor, who may

perpetuate not only their deeds but their personality. Frederick the Great, Henri IV., and William of Orange did not wish to reap all the fruits of their labours themselves. Selfishness is the characteristic of the *parvenu*. He cannot identify himself with his successor. As he does not see the origin of his power in the times before him, he loses faith in the future that will come after him. His "heir" is different from "successor." The link he forms in the chain of history is taken up by an individual with whom he has, humanly speaking, no relationship.

"Time" is for him only the short span of the plenitude of his power. To the crowned member of a dynasty time lasts at least as long as his dynasty.

For the same reason the Pope, who feels himself an ever-new growing member of the Everlasting Church, is, as a rule, a peaceable man who can abide a favourable opportunity. A good Pope is never hasty; but a Pope who always thinks only of himself must be a restless, violent man and an abettor of strife.

To such a Pope are Napoleon and Bismarck to be compared. Napoleon sustained excitement through the frantic love of conquest radicating in delusive greatness; Bismarck, by the increasingly passionate treatment of domestic questions.

Napoleon wished the French nation to continually follow him to war, and the nation left him in the lurch at last. Bismarck becomes more and more anxious for the co-operation of foreign Cabinets in his contest with the German Catholics, and the Cabinets will leave him also in the lurch.

That same Prince Bismarck, who declared his intention of following a policy of non-intervention, claimed the right of interference with the principles of government in other countries when they did not answer his own aims.

His recipe against the Church was sent to all who did and to all who did not want it.

His newspapers praise it side by side with Revalenta Arabica.

Keudell recommends it to Minghetti; Count Münster preaches it to astonished England.

The French and Belgian Governments are both instructed as to the meaning of their penal laws, and Austria is accused of ingratitude for not disseminating the Revalenta Varzinensis in larger quantities throughout her territory.

The unbounded violence of domestic struggles will lead to ill-feeling with foreign countries, and to war if the nation be not watchful.

Napoleon and Bismarck are afflicted by the same disorder.

Blinded by the effulgence of their own glory they lose the power of correct observation, of discerning between objective truth and subjective feeling. Fancy is reality to them. The end becomes the means, and more frequently the means are made the end.

In their conception the *ego* is the universal. Pantheism—Pan-Bismarckism.

Ready to offer himself as a sacrifice to the Universal, Prince Bismarck requires every one to sacrifice himself to him, because he is the Universal so long as it takes its being and shape from him.

The slightest opposition to him, to his person, is therefore an anti-Bismarckian, anti-theistical, anti-cosmical principle, which the world must as a natural necessity cast out. Opposition to him, to his person, is, in his eyes, a public crime of the widest significance.

We behold with astonishment that an elephant uses the same instrument to lift a hundred-weight and to pick up a needle.

Prince Bismarck does the same.

But to the simple, unimaginative elephant a needle is a needle.

To the Imperial Chancellor it is a murderous instrument charged with poison; and the man who lost it is a murderer.

We have seen many such needles irritating the sick nerves of the Chancellor, and having more effect on the political "constellation" than many a cannon-ball.

The Duchesne needle, the Press needle, the Gerlach, Windhorst, Lasker, Virchow needles—*e tutti quanti*.

We should have been inclined to regard the whole Arnim case as an "Arnim needle," magnified into an infernal machine by the chromatic microscope of the Chancellor's rancour, had not the immeasurable injury inflicted on an innocent man and his family given it such tragical significance as to make it a prototype—a paradigm of the misfortunes to which the nation must grow accustomed if it cannot muster the courage to judge for itself.

Whoever will take the trouble to pursue to its end the train of thought of which we have only exposed the premises will understand much that seems enigmatical.

He will understand why Prince Bismarck, isolating himself more and more, like Tiberius at Capreae, rules the world from Varzin, and why he shuns more and more all contact with men.

He will understand how it is that the most trivial incident assumes in Prince Bismarck's hands the proportions of a universal event.

He will understand why the adherents of Prince Bismarck made such an exaggerated stir about the case of Kullmann, which forced every thinking man to recall to mind the noble discretion with which the Emperor William relegated the regicide Oskar Becker to oblivion.

But as regards the Arnim trial, we invite our readers to consider very carefully whether a great and powerful statesman was not in this case led step by step, from one misunderstanding to another, to place an innocent and deserving man, to whose services the country had a claim, under such a combination of apparent grounds of suspicion as to make the discovery of the truth almost impossible. The aim of this book is to reveal the truth as far as is compatible with the interests of the country.

We hope in some measure to have lifted the veil.

Count Arnim's fellow-countrymen have been till now in the position of those unfortunate beings whom Plato describes as sitting at the bottom of a cave, and only learning what was passing in the outer world by the shadows cast by passers-by on the walls of the cavern, yet they disputed continually about the actions and intentions of beings and the significance of things of which they only saw the shadows.

Maybe we have succeeded in making a hole in the wall of the cave.

Our hope goes even further.

If Prince Bismarck retraces his steps to the point at which he separated from Count Arnim, he must acknowledge that an *ignis fatuus* has been leading him astray.

If he takes earnest counsel with his conscience, he must confess that he has, in the words of St. Bernard, destroyed a man

PRO NIHILLO !

CONCLUSION.

NIL NOVI SUB SOLE !

HISTORY can point to many examples of verdicts pronounced in obvious contradiction not only to high judicial principles, but also to explicit legal directions.

Such judgments always attract universal attention, and the remembrance of them lasts for centuries.

If in the year 1875 the trial of a thief ended in the conviction of the person robbed and the acquittal of the robber such a verdict would indisputably attract the attention of the whole civilized world, both lay and clerical, and would lead to the conclusion that either the laws or the judicial courts of the country where the trial took place were at fault.

The Arnim trial does not involve a theft of property. No thief faces his accuser. But the trial is the last act of a long drama in which the passions of a single individual, seconded by the intrigue of others, and the lackey-like love of slander of the multitude, waged a causeless war against a man's existence.

The curtain has not yet fallen, but two of the principal scenes of the last act are over. Two opposing judgments claim attention, and, contrary to the requirements of historical

and poetical justice, the aggressor is acquitted, and the man who for years has been the subject of unceasing attacks has been condemned.

Among the many verdicts historically memorable as having been at variance with law and right there are several which were approved by contemporaries, as far as these ventured to express an opinion, and it remained for another generation to reverse the verdict. In free Athens, where liberty of speech (*παρρησία*) was prized as an inviolable right, and served as a symbol of freedom, the political rulers succeeded in stifling the voice of justice in regard to the condemnation of Socrates. This historically interesting phenomenon repeats itself in Count Arnim's sentence. It was the more easy to suppress the voice of justice by the employment of the means at the disposal of political and social despotism, because in free Germany not freedom only, but the desire for free expression of opinion, has sunk to a minimum. Thence it followed that as the disapproval of the sentence diminished the approval of it increased, public opinion in Germany, as far as it is expressed through the press, being in general the opinion only of those who command the "Welfenfond," already exceedingly involved in debt.

Lord Derby said, a short time ago, on the occasion of a question put to him as to the Germano-Belgian differences, that he considered the suppression of free expression of opinion on the part of an English Minister a disgrace.

The ideas of the noble lord are not those of our political rulers. Nor, perhaps, are they those of the nation which, to our astonishment and indignation, was neither angry nor amazed, but remained a cool, passive spectator of the proceeding to force the editors of the *Frankfort Gazette*, by long imprisonment, into dishonourable conduct. Fear of the Chancellor is the only reason for this spirit of resignation.

We do not, therefore, entertain the hope that the statements presented in these pages will be secure from the attempts of the Public Prosecutor to suppress them. We are obliged to invoke the aid of other than German freedom in order to give contemporary and future criticism, *in perpetuam rei memoriam*, the genesis of a judgment which condemned the man who had been systematically persecuted for years and acquitted his persecutor.

We said that in view of such verdicts either the laws or the administration of justice must be defective.

The question is, therefore: Are the laws in fault in this case? Not at all.

It being impossible for language to have a separate word for each idea, the same word often bears very different meanings. We will illustrate the bearing of this on the administration of justice by that very expression which was so fatal to Count Arnim.

"To put out of the way" would be understood in its generally accepted meaning, as the removal of an object or a person from the place hitherto occupied; in the case of persons it would mean removal by force, implying frequently despatch into another world.

It can easily be imagined that a legislator of Draconian tendencies, who perhaps included murder and homicide under the same term, would construe the Penal Code clause in question thus:

"Whoever puts a man out of the way shall be punished with death." It would be the judge's task to derive the right signification of the word from the lawgiver's intention.

If, on the strength of this clause, a judge were to condemn to death a person not guilty of homicide or murder, but only of a violent deprivation of liberty, he would have failed in his duty, and the public sense of right would bring the judge to

task for this too literal interpretation. This failure is of daily occurrence, as is shown by the constant annulment of judgments of the lower courts under appeal by the courts of Second and Third Instance. In the Arnim trial the judges of the first and second courts failed precisely in this manner.

Let us examine the verdict of the First Court.

Section 133 of the Penal Code runs thus :

“Whoever intentionally destroys, removes, or injures a document, register, acts, or any other object placed in official keeping in a place thereto appointed, or which are officially delivered to a functionary or any third person, shall be punished with imprisonment.”

The judge convicted Count Arnim, who on his departure from Paris took with him the official correspondence on questions of ecclesiastical policy which had passed between him and the Chancellor, of appropriating official documents. Taking in its natural sense the expression “putting aside,” which seems not to need any explanation, a portion even of the impartial public, associating with that phrase no other idea than any sort of removal, approved of this literal judgment, being deceived into the belief—leaving out of account all political collateral circumstances—that the offence referred to in Section 133 had been committed.

But we will now place before the reader some judicial cases in which it will be necessary to give a meaning to the expression “putting aside” other than that of “any sort of removal from the place of keeping,” in order to arrive at a decision in harmony with the legislator’s intentions, and in accordance with common sense.

When the Berlin municipal judge takes the documents relating to a trial to Switzerland to work at them during the vacation, he removes documents from an official place of keeping, and thereby offends against the wording of Section 133.

But any sane man, and probably also his colleague, the municipal judge at Berlin who tries the criminal cases, would pronounce the tourist judge innocent, because there was no reason to suppose that he intended to keep the documents permanently, or to make away with them.

To act in harmony and with the spirit of the laws, the judge must frequently not only acquit when a literal interpretation would justify a conviction, but he must also often condemn when the letter of the law would justify him in acquitting. For example, a person blocking up the entrance to a repository for deeds and documents must be condemned, although, according to the letter of the law, he should be acquitted.

The threat of punishment is obviously intended only to ensure the fulfilment of the legislator's intention. In the case before us the legislator's aim is directed towards the preservation of documents, so as to secure for the persons whom it concerns the record of the circumstances to which they relate beyond the present time. Those acts only are punishable which tend to the frustration of this object. Instead of a casuistical enumeration of each separate act (destroying, putting aside, injuring), the lawgiver would have attained his object equally well by a general provision that any act tending to frustrate the intention aimed at shall be punishable. In ascertaining the meaning of the words "destroy, injure, remove," the judge is bound to start on the assumption that the legislator only included thereby such actions as were directed to the frustration of his intention. In the definition of each of these ideas the frustration of that intention is therefore the essential character by which the punishable is distinguished from the unpunishable kind of "putting aside." Only that kind of "putting aside" which aims at such frustration is punishable.

That "injury" also is alone punishable which aims at the

frustration of the legislative design. An attaché at an embassy removed the signature "Bismarck" from an official notice sent to the embassy announcing the approaching arrival of a royal prince, in order to give it to an autograph collector. The Imperial Chancellor, it is stated, was not angry at this "injury," which might likewise have been construed into a crime of relic-robbery.

If, as we have seen and proved, that kind of "removal" only is punishable which frustrates the intention of preservation, the question arises, "Had Count Arnim the frustration of this intention in view when he removed the ecclesiastical correspondence? Did he wish to destroy the proofs of important events? Would he or could he have withdrawn them without the notice of the lawful authorities, that is, of the Foreign Office?"

We leave the answer of this question to the Chancellor. It is the only point on which we are sure of agreeing with him.

If any one had an interest in doing away with these papers, who could have wished to destroy or to injure, that is, to mutilate them? Whose interest would it have been to commit an action threatened with punishment by the law? To Count Arnim's or the Imperial Chancellor's? This question is answered in the preceding statements.

The legislator's term of "putting aside," can, as we have said, from a common-sense view be understood to mean only a removal, which frustrates the legislator's intention, the fulfilment of which he intended to ensure by the threat of punishment.

The Judges of the First and Second Courts have, in a certain degree, adopted this common-sense view. They halted when the full acquittal of Count Arnim would have directly resulted therefrom.

Count Arnim pleaded the exception that he had taken with him the correspondence on ecclesiastical policy from Paris in order to hand it over to the Foreign Office in Berlin.

In our opinion he never needed this excuse. We think he foresaw a state of things which would justify him in asking for those papers from the Foreign Office, in order to enable him to defend himself against Prince Bismarck.

He was, we think, under the circumstances, justified in assuring himself that the papers in question should not be "removed or destroyed," and thus put beyond his reach.

Be this as it may, the Judge admitted the force of Arnim's plea.

Why?

Because the removal from the Embassy was not intended to frustrate the legislator's aim, for, as the Judge remarked, "the intention of returning them was evident." Was there anything to support the supposition that the intention of "returning" was ever definitively abandoned? Certainly not. To justify himself, Count Arnim was obliged to produce and "show," under certain circumstances, these papers to the proper authorities. While he "showed" them they would become accessible to the constituted authorities, and they would then consequently not have been "removed."

The notion that Count Arnim wished to "remove or destroy" them is in fact utterly absurd.

It required a high degree of courage, and a thorough emancipation from the current opinions of the day, to infer the consequences which would follow from the interpretation accepted by the Judge of the word "remove."

The press had condemned Count Arnim in advance.

The Judge believed that he was in harmony with public opinion, with the public sense of right, instead of

which he found himself in accord only with the writers of the "Reptile fund."

The judgment of the Second Court condemned Count Arnim, on the ground of the second paragraph of section 348. This clause runs thus:—

"An official authorised to draw up public documents who, by reason of his power to do so, intentionally misrepresents very important facts, or enters them falsely in a public register or book, shall be punished with not less than a month's imprisonment.

"An official who intentionally removes, injures, or falsifies any deeds or documents entrusted to him, or to which he has access, shall be similarly punished."

The Supreme Court of Judicature was not satisfied with regarding the papers kept back by the accused as official correspondence. Between the First and Second Courts they assumed the importance of public records.

The Supreme Court of Judicature ignored the profound arguments of Merkel, Holzendorff, and others.

We are not acquainted with the papers which the Judges withheld from the public. We know, however, that they contained a correspondence which was not and never could be regarded as public documents in the sense of "deeds (*titres*)," as laid down in section 348, of the Penal Code. On this the Superior Tribunal has to decide, or will probably have decided before these pages are published.

We have proved that the condemnation of Count Arnim by the First and Second Courts was contrary to the principles obtaining in the interpretation of the law, according to which the definition of the notions implied by the words must correspond with the object and intentions of the law.

Seldom, however, has a violation, as in this case, of this principle involved at the same time so flagrant a violation of

the highest moral law which is the primary source of all positive right. The moral law requires the sinner to make atonement.

In Prussia, at any rate, the Chancellor represents moral law,—a striking proof of his wide influence over national morality.

In thirty years of conscientious and able service, Count Arnim won the recognition of the Monarch, the Government, the country, and the Chancellor also, before his merits were made a matter of public attention.

It has been shown by the previous statements that the Count was the intellectual originator of many political measures to which the Chancellor owes much of his renown.

He was regarded in several quarters as the Chancellor's successor.

Many a man hates his heir, especially if he suspects him of impatience. The Chancellor hated the Count from the moment he suspected that he might possibly succeed him.

As soon as he looked upon him as an impatient heir, he was tempted to injure, destroy, and to *displace* him.

It is punishable to destroy papers, but it is not punishable to ruin a human being.

The Judge condemned the man who without evil intent temporarily detained these papers from the Foreign Office, which were in reality in the possession of that office all the time.

He acquitted the man who deprived the country of a subject, capable, when called upon, to render the greatest services to the country.

Shall an attack, methodically conceived and executed upon a

man, which would have been criminal had it been made upon him corporeally, be allowed to have a definitive result?

Because it was directed against the man, body and soul, the body being only an accessory—the lesser included within the greater—it was not a crime!

Some day people may find the right name for this proceeding.

APPENDIX.



APPENDIX.

No. I.

The following is the correspondence from Paris, in the *Cologne Gazette*, to which reference has been made in the preceding pages :—

1. *Cologne Gazette* of 25th October, 1872, No. 294.

“ Δ Paris, 21st October. The *Gazette de France* contains a correspondence from Berlin with reference to the Bismarck-Arn timer affair, which alludes to the articles of some German journals, and then continues as follows :—

“ ‘ I conclude these quotations in order to communicate to you what is said in the best-informed circles in regard to the great conspiracy of the old Conservatives against Prince Bismarck. Do not be surprised that I make use of so harsh a term, but it corresponds with the facts as they really are. Count Arn timer was the candidate designated to succeed the Chancellor, and behind him there stood a serried phalanx, which numbered among its rank and file the most distinguished and most important families of the country.

“ ‘ You will understand the reasons which prevent my mentioning names.

“ ‘ The conspirators, all men of honour, had the intention to ruin the Chancellor in the estimation of his lord and master,

and they set to work with perseverance. It was also said that they greatly exerted themselves to win over the Crown Prince to their cause. These efforts, however, it seems, have been without result; for, last winter, just at the time when it was believed that the Crown Prince entertained a certain aversion towards the Chancellor, the son of the Emperor confuted these surmises by dining at the Chancellor's, and passing the evening with him. It was even added that the steps taken by Count Arnim at the Crown Prince's were at once brought to the knowledge of the Chancellor, and afterwards to that of the Emperor. Count Arnim had thus ventured upon a wrong course, which he pursued blindfolded. Nor did he neglect, besides the numerous and active efforts which he himself and his powerful friends made at Court, anything that could gain him the Liberal party in Germany and in Prussia. He imagined that he would obtain influence with this party by publishing in the *Vienna Presse* the papers relating to the Council, wherein he appeared to be far more anti-clerical and anti-papal than his superior. He endeavoured to make people believe that he had done everything to prevent the proclamation of the infallibility, and that his efforts had been solely paralysed by Prince Bismarck's want of energy.

“The Imperial Chancellor found himself compelled to refute these attacks by the publication of official documents, and it was not difficult for him to justify his policy of moderation and neutrality pursued in reference to Rome. It was the only correct one, and it may be added that at that time Prince Bismarck listened to the wisest and most propitious advice.

“It is evident, from what we said, that Count Arnim tried by all possible means to undermine the position of the Chancellor.

“He is not armed in vain with a pair of large, sparkling, piercing eyes. He watched his adversary's game as if uncon-

cerned and abided his time. The ambition and anger which animated Count Arnim impelled him, no doubt, to other perilous steps, of which we are in ignorance, but which his trial will disclose. Will he be indicted only for detaining official papers, a misdemeanour which, according to sections 133 and 148, is punishable with three to five years' imprisonment (the citations are not quite exact), or for betraying State secrets, and publishing official documents to the detriment of the State, which crime, according to section 92, is punished with hard labour from two to fifteen years?

" 'I should not forgive myself if I said a single word against the Arnim family, but I must confess that the public did not consider the conflagration which happened in Count Arnim's house at the time of the domiciliary visit as an accident, and that on that occasion most unpleasant things were whispered about the Arnim family.'

" These were the statements of the correspondent of the *Gazette de France*, who, of course, passes over the aberrations of Count Arnim—as far as they concern French interests—but in regard to which the following is circulated here :—

" When Count Arnim arrived in Paris, he entertained the hope that he would be well received by the high aristocracy. As such was not the case, and he was everywhere repulsed, being a German, he felt deeply offended. But instead of being content with the high position of German Ambassador, he endeavoured by all means to obtain access in those circles which, from pure hatred towards Germany, would have nothing to do with him. His efforts to gain admittance to them, nevertheless, must be considered as the key to his subsequent attitude. As regards his conduct till September, 1872, but little, it seems, can be reported. From that date, however, he was on intimate terms with the Royalists, and although he has not been able, maybe, to succeed in being openly received in their midst, a certain

affability was shown to him, having promised their leaders to use his influence at Berlin to the effect that the deposition of M. Thiers should be regarded there with satisfaction, and that nothing should be done against the restoration of the Monarchy.

“That Count Arnim has kept his promise is confirmed by the Article in the *Vossische Zeitung*, in which it is stated that in September or October, 1872, the German Ambassador had tried in Berlin to prove that it would be advantageous if M. Thiers was removed, and that no Government remained in power long in France. It is evident that Count Arnim already at that time maintained very intimate relations with those persons whom the *Gazette de France* designated as conspirators. It was not said whether these conspirators made the first overtures to Count Arnim, or whether he, being well acquainted with the secret intrigues of Berlin, offered his services. The first may most likely have been the case, because the conspirators regarded him as the only man who could replace Prince Bismarck; the latter, however, was considered the more probable, as the arrest of Count Arnim excited such an unwonted indignation among the conspirators, because they had no one now to supersede Prince Bismarck in case it should succeed afterwards to effect his deposition. However that may be, since October, 1872, Count Arnim, although having quite different instructions, acted with the greatest zeal in favour of the Royalists. When they at length were intent upon taking action, and combined with the adherents of the Court at Chislehurst for the purpose of overthrowing M. Thiers, Count Arnim concealed in Berlin not only the real state of affairs, but even assumed, as it were, the leadership (?) of the conspiracy against Thiers.

“Following only his ambition, he imagined that in case a reactionary policy were to attain to power in France, Prince Bismarck would no longer be able to maintain himself at the head of the affairs against the intrigues going on at Berlin, and

he, consequently, tried all he could to induce the Royalists, who felt very anxious to act with true energy against M. Thiers, assuring them that the German Government would not raise the least objection to a Government with MacMahon at its head. Without entering further into the subject as to what means and persons Count Arnim employed to urge the timid Royalists to action, I will only remark that Count Arnim delayed the conclusion of the final convention as to the evacuation because, if M. Thiers was in a position to meet the National Assembly with the convention in hand, as he had hoped, his (the Count's) and the Royalists' intrigues would have remained without result, and the success on the 24th May, 1873, would never have been achieved.

"It has already been mentioned that Count Arnim joined with great determination in the efforts directed towards the restoration of the Monarchy. He instructed at that time the numerous staff of journalists at his disposal, to announce everywhere that the enthronement of the 'Roi' might be considered an accomplished fact, whilst he at the same time fomented intrigues in all possible manner at Berlin in favour of the 'Royalists.'

"What finally proved his ruin was that Prince Bismarck having been taken ill he considered the time come of raising himself to power. The famous 'disclosures' made their appearance in the *Presse* of Vienna, whilst at Berlin things were worked with double energy. But in the high quarter concerned it was foreseen that the ambitious desire of the German Ambassador at Paris to supersede Prince Bismarck would involve Germany in a multitude of annoyances and difficulties, and, consequently, the Count's efforts proved futile."

2. *Cologne Gazette*, 3rd November, 1874, No. 305.

"Δ Paris, 2nd November. The *Temps* publishes the following letter :—

"Broglie (Eure), 1st November.

"Sir,

"I read in one of the last issues of your journal the following paragraph, extracted from the English press, and since reproduced in various Paris and provincial papers :—

"‘It is not denied that on the 23rd May an emissary was sent to Count Arnim by the Duke de Broglie with a view of ascertaining whether the deposition of M. Thiers would be displeasing to the Berlin Cabinet, and that the Count answered,’ &c. . . .

"The originator of this statement is unknown to me, but I can give the assurance that it is without foundation ; I had neither previously, nor after the 24th, either directly or indirectly, any relation with Count Arnim of such a kind as is attributed to me.

"I shall be much obliged by your bringing this correction to the notice of your readers.

(Signed) "BROGLIE."

"Notwithstanding this disavowal of the Duke de Broglie, who notoriously conducted the Orleanistic intrigue which resulted in the retirement of M. Thiers, it is, and remains a fact, that Count Arnim took the most active part in the intrigue, and that without his intervention the conspirators would scarcely have had the courage to remove M. Thiers at a moment when German troops still occupied a part of France. Nothing was said in this journal that the Duke de Broglie sent emissaries to Count Arnim, but it was stated that Count

Arnim sent an emissary (whose name is familiar in Orleanistic circles) to the leaders of the Orleanists for the purpose of exciting them to proceed rapidly, and once more to convey to them the assurance that they would have nothing to apprehend on the part of the Berlin Government. Without entering further upon what the journals have divulged in regard to this affair, I merely add that the gist of the documents published in the *Vienna Presse* in reference to the Council was known in certain circles at Paris about four weeks previously. The name of the person by whom they were forwarded is by no means a secret."

3. *Cologne Gazette*, 5th November, 1874, No. 307.

"Δ Paris, 3rd November. . . . As regards the public, the time will soon return when people dared to speak only in a whisper in places of public resort, in order to escape being denounced. The semi-official *Moniteur* remarks in reference to the Duke de Broglie's letter concerning the Arnim affair:—

" "We do not lay claim to supporting the Duke de Broglie's statement, either by reasons or proofs, which will be a sufficient refutation of his assertions.

" "We are, however, in a position to add, that a particularly well-informed Vienna journal makes the following revelations respecting this matter:—" Shortly before the 24th May, the Radical and other papers devoted to M. Thiers gave currency to the report that if their patron was deposed the German troops would at once reoccupy the departments already evacuated. It was the Duke d'Audiffret-Pasquier—we continue to quote from the Austrian journal—who asked Count Arnim, whom he met at a party, whether there was any foundation for that report? The Ambassador confined him-

self to reminding the Duke of the former declarations of his Government, according to which Germany would in no wise interfere in the domestic affairs of France.”’

“The *Moniteur*, I am assured, has received this communication direct from the Ministry for Foreign affairs, and as Duke Decazes was at that time hand-and-glove with Audiffret-Pasquier and Broglie, it is to be presumed that the French Minister for Foreign Affairs intended to give the latter the lie.

“Moreover, in May, 1873, not one paper in Paris expressed the apprehension that in the event of M. Thiers’ retirement the Germans would reoccupy any of the departments already evacuated. The only fear entertained by the people—but to which no allusion was ever made in the newspapers—was, that the evacuation of the still occupied departments might be delayed, and on this point, Count Arnim endeavoured to reassure the Duke de Broglie and his friends. There is no cause to wonder at Decazes causing the assertion of the Duke de Broglie to be indirectly contradicted in the *Moniteur*, inasmuch as he neither had the intention to side with the Count nor to place himself in a false position to please him.

“In official circles it is considered highly improper that De Broglie at all interfered in the matter.”

4. *Cologne Gazette*, 6th November, 1874, No. 308.

“Δ Paris, 4th November. The *Gazette de France* is again occupied to-day with Count Arnim’s affair, and endeavours to deny that M. de Laroy (the former Minister) had ever any connection with the German Ambassador. The former, it appears, had written to that journal :—‘You may affirm that I

have never been at Count Arnim's, and that I have never spoken to that gentleman.'

"This may be quite correct, but certain it is likewise that M. de Larcy, who was one of the arch-conspirators—although he had for a long time a seat in Thiers's Cabinet—was perfectly aware of the information the German Ambassador had caused to be communicated to the Royalists."

5. *Cologne Gazette*, 10th November, 1874, No. 312.

"Δ Paris, 8th November. The *Gazette de France* publishes the following letter :—

'Dear Monsieur Janicot,—Will you give a most formal denial to the foreign correspondence [of the *Daily News*], in which it is reported that I had interviews with Count Arnim previous to the 24th May ?

"Yours, &c.,

(Signed) 'LA ROCHEFOUCAULD-BISACCIA.

'Friday, 6th November, 1874.'

"Almost all those who, according to the Berlin Correspondent of the *Daily News*, are said to have been in negotiation with Count Arnim (De Broglie, De Larcy, the Duke de La Rochefoucauld-Bisaccia, and Bishop Freppel) have protested against this insinuation ; but that is not astonishing, since Count Arnim had no intercourse with these gentlemen (De Broglie excepted) previous to the 24th May. Bishop Freppel, not being a member of Parliament, had the less cause for issuing his declaration. Count Arnim at that time of course maintained no direct intercourse with those persons who were bent upon overthrowing M. Thiers, but he maintained his connection with them by means of certain neutral personages,

through whom he several times urgently pressed the conspirators—who were very apprehensive—to act without delay, and not to fear in the least that any opposition would be raised at Berlin.

“As regards the ‘conspiracy’ of which the Berlin Correspondent of the *Gazette de France* wrote at the time, I am in a position to add that Count Arnim, who fancied himself the successor-designate of the Imperial Chancellor, had already formed his Cabinet, in which figured as Home Secretary a person who, on seeing the failure of the conspiracy, resigned the high post which he had accepted only in anticipation of a Home Secretaryship in the Arnim Administration, and retired from public life. Count Arnim, of course, acted thus boldly only through being, as he imagined, sure of the support of some influential circles at Berlin, in which belief he was confirmed by reports which reached him in 1872 from Ems.”

All these letters are prefaced by the Correspondent's mark “Δ.”

This is not the usual sign, as we have reason to know, of one of the ordinary correspondents of the *Cologne Gazette*; at least not that of one of the regular correspondents on the staff. Possibly one or other of these gentlemen may use this sign occasionally.

On the whole, however, it may be presumed that this “Δ” correspondence is fabricated either at Berlin or Cologne with the aid of all kinds of communications which reach that journal from different quarters.

But as regards this “Δ” correspondence in its particular reference to Count Arnim, it is probable—nay, almost certain, that it was composed either of notices communicated in private

letters received by that journal from time to time from Paris direct, or from notices collected at Berlin.

This assumption is supported in a striking manner by the reproduction in those letters of all the false accusations which were gossiped about in Berlin. This gossip consisted chiefly in the assertion :—

1. That Count Arnim delayed the conclusion of the convention of 15th March.

2. That Count Arnim was the cause of the overthrow of M. Thiers by taking part in the conspiracy of the “Dukes.”

The first accusation has been sufficiently refuted in the preceding pages of this book. The second is nothing but an invention. Also the existence of that mysterious sort of “neutral middlemen” is quite as imaginary as the reports communicated from Ems. The *Cologne Gazette* will not be able to adduce a single proof in support of the assertions of its correspondent.

That gentleman, if he really does belong to the land of the living, is possibly quite an honourable man. But so much is certain that there is and must be at the bottom of all these communications a malicious lie, and that, too, known as such. The *Cologne Gazette* is far too conscientious a paper not to consider that it is interested in fathoming this falsehood.

As far as we are concerned, we hereby declare all communications contained in that “Δ” correspondence to be pure inventions, from whatever quarter they may have emanated.

The suspicion that this “Δ” correspondence is the effusion of an influential but “impure” source, is confirmed by the following curious circumstance :—*

* That same “Δ” Correspondent writes sometimes to the *Cologne Gazette* from other places than Paris. This sign also figures in other journals, at the head of communications ‘qui sentent d’une lieue le ruisseau fertilisant Wilhelmsstrasse’ (Foreign Office and Prince Bismarck’s residence at Berlin).

In No. 135 of the 17th May of the present year, that "Δ" Correspondent sent from Paris on the 14th May the following communication respecting the relations said to have been established between the Russian Government and M. Thiers :—

"Δ Paris, 14th May.—It is confirmed that Thiers is to have an interview with the Russian Emperor, as reported.* As it appears, the ultramontane tendency of the French Government has produced a very unpleasant effect, not only at Berlin, but also at St. Petersburg; but as it was not intended to have any direct communication in this regard with the French Government—MacMahon complains already of being, with his Government, almost ignored, as it were, by Russia—relations were entered into with M. Thiers, who is not only held in high esteem by the Emperor of Russia, but is also regarded in foreign countries as the most prominent politician of France, although no longer President of the Republic. Prince Orlov† was therefore instructed to pay conspicuous attention to him, and, as it was desirable to establish very intimate relations with the ex-President, it is said Prince Gotschakow, a short time ago, wrote him a letter discussing the general state of affairs, and winding up with the regret that France made herself an instrument of the Vatican.

Thereupon the ex-President is credited with having addressed a long memoir to the Russian Emperor explaining circumstantially the present condition of France. As is reported, M. Thiers did admit that MacMahon's Government was in the hands and under the influence of the Ultramontanes; but this was Germany's fault. He did not exactly launch into

* It was *not* confirmed, however.

† The "Paris" Correspondent of the *Cologne Gazette* is wrong on this point. It did not at all produce an agreeable effect at St. Petersburg that Prince Orlov accompanied the Russian Grand Duke to M. Thiers.

accusations against Prince Bismarck, but he attributed solely to the former German Ambassador in Paris, Count Arnim, the blame of the Ultramontanes having on the 24th May, 1873, succeeded in superseding him (Thiers) by MacMahon. As the German Government must bear the responsibility for the Ambassador's conduct, it was, properly speaking, their fault that the French nation was to-day saddled with an Ultramontane Government. France herself was neither Ultramontane nor Revolutionary, but Republican, and the latter just because the Monarchy was impossible.

"In conclusion M. Thiers entreats the Russian Emperor to wait for the result of the new elections, in order to form a correct view of the state of France.

"What impression Thiers's memoir has produced upon the Czar, I cannot exactly say. An answer, however, was given, and the latter cannot have been unfavourable, inasmuch as an interview is arranged to take place between the Russian Emperor and the ex-President." . . .

We do not know how much truth there may be in this; but it is improbable in the highest degree that M. Thiers wrote to the Russian Emperor that Marshal MacMahon was in the hands and under the influence of the Ultramontanes. Still less probable, and even impossible, is it that he could have said Germany was the cause of it.

"He did not launch any accusation against Prince Bismarck, but he attributed solely to the former German Ambassador, Count Arnim, the blame that the Ultramontanes succeeded on the 24th May, 1873, in superseding M. Thiers by MacMahon.

"Since the German Government must bear the responsibility for the Ambassador's conduct, it was, properly speaking, her fault that the French nation is to-day saddled with an Ultramontane Government."

Such inane and unpatriotic logic is not that of M. Thiers. That aged statesman has too much good taste to say such a thing, much less to write it to the Emperor Alexander.

But if amongst others we compare this "Δ" correspondence of the present year with the despatch No. 103, dilated upon in the context of this letter, for instance, we meet therein the same deductions which are attributed to M. Thiers. For in the former Prince Bismarck complains in almost identical words that he is obliged to bear the responsibility of the blunders which Count Arnim is alleged to have committed when he prevented the Imperial Chancellor's giving him those instructions which the Ambassador was never told that Prince Bismarck wished he should receive. It is, at all events, very surprising that M. Thiers should have written in the spring of the present year to the Emperor Alexander the very same thing that Prince Bismarck wrote to Count Arnim in June, 1873—exactly two years previously!

According to all this there is strong circumstantial evidence that the pretended Paris "Δ" correspondence, as far as it concerned Count Arnim, was not manufactured at Paris.

We distinctly protest against the insinuation that we intended to injure the *Cologne Gazette*, the only journal of European importance which we possess in Prussia. But in this case it has been duped in a very melancholy manner, and it will never be able to prove the contrary.

APPENDIX No. II.

“ Berlin, 11th January, 1874.

“ No. 14.

“ By Field-Yägers.

“ His Excellency, Count Arnim, Paris.

“ The French Ambassador accredited to this Court has not up to this time communicated the circular to the Bishops as announced by your Excellency in the telegram of the 5th instant; he has, however, read the document to me on the 6th, during a short absence of the Imperial Chancellor. A date was not given. We are, therefore, owing to the want of further reports from your Excellency, without information on what day the circular was issued, and whether the text since published in the newspapers tallies exactly with that of the original. We may, however, assume that such is the case. Presuming this, the circular is indeed a favourable progress in regard to our German policy, the object of which is to prevent as far as possible the union of the ecclesiastical and the national elements inimical to us, and the consolidation of the governmental powers in a clerical sense. The Foreign Office, however, cannot on this occasion dispel the impression that by timely and energetic advocacy of our complaints, such as was indicated to your Excellency since your return to your post,

the manifestation of the French Government, only now obtained, might, in all probability, have been attained long ago, the more so as the Bishop of Nancy's case was the most flagrant and undisguised political violation of the regards due to us, as well as to the treaty obligations.

"The Imperial Chancellor was therefore impelled to think that the resolution of the French Government was only taken and carried into effect during the first days of January, consequently after your Excellency, on the one hand, had been requested by the telegram of the 31st to report, and M. de Gontaut, on the other, had been informed by us of the seriousness of the situation on just the same day. If the case was otherwise, it is difficult to conceive why a confidential communication should not have been made much sooner either to your Excellency, or to the French Ambassador here, regarding the tension which since the publication of the mandate of Nîmes—that is, more than three weeks since—has occupied the whole press.

"The Imperial Chancellor has not been able to ascertain from your Excellency's report No. 1, of the 2nd instant, that the alleged prior pleading of the affair was duly proportionate to its importance, or that it has had any effect whatever on the conduct of the French Government.

"As regards the communications in your Excellency's report respecting the applicability of the French penal laws, and the consequences deduced therefrom, the transmission of these matters some months earlier, for instance, on the occasion of the excesses of the Bishop of Nancy, would have been all the more welcome, as the adoption of legal measures against the Bishop of Nancy would have been easier, and as, moreover, an exact examination of the entire French legislation applicable in this case, and an exhaustive report respecting the same, was even at that time the evident and very first duty of the Imperial Embassy.

"I can, however, for the present dispense with a more detailed elucidation of the legal questions explained in the despatch of the 3rd January, and meanwhile alluded to also by your Excellency. Should any fresh excesses on the part of the Bishops take place, or further reclamations become necessary regarding the momentarily pacified rather than settled complaints, a recurrence to the same will be a matter of course.

"For your special information I will merely add, that the judicial committee of the 'Bundesrath' (Federal Council), in an exhaustive report of the 19th November, 1872, have, after an examination of the different opinions in regard to the indictment of the *curé* Léonard in Eppingen (Lorraine) for insulting a member of the municipal council unanimously decided that, according to French law, both legal measures, *i.e.*, the '*recours comme d'abus*' of ecclesiastical authority, and proceedings in the Civil Law Courts, are independent the one of the other, and the injured person has therefore the option either to appeal to the Privy Council, or to take proceedings against the priest in the ordinary Law Courts, and demand his punishment according to the secular laws.

"In an analogous manner it must be assumed that when a Government feels itself compelled to complain in the mode recognised in international intercourse, of offences of French ecclesiastics, either form of proceeding can be adopted for obtaining legal reparation.

(Signed) "VON BÜLOW."

APPENDIX No. III.

Copy.

“ Affaire Rothschild.

“ Particulière.

“ 1878, Paris, le 11 Décembre.

“ Monsieur le Duc,

“ J’ai l’honneur de mettre sous les yeux de Votre Excellence la coupure d’un journal, d’hier soir, qui mentionne, pour la démentir, une anecdote, racontée par des journaux belges et allemands (*Gazette de Cologne*).

“ Le fait est que j’ai rencontré la même anecdote en plusieurs journaux, mais à mon grand regret je ne puis guère douter qu’il n’y ait dans leurs récits un fond de vérité.

“ Quelques informations, qui me sont parvenues malgré moi, quelques petits détails dont j’ai été le témoin sans le vouloir, sont de nature à les corroborer.

“ J’affirme de la manière la plus formelle que je n’ai parlé à qui que ce soit ni de ce qu’on m’a dit, ni de ce que j’ai vu. Par conséquent il est permis de supposer que la *Gazette* doit ses informations à l’indiscrétion des personnes les mieux placées pour être au courant de l’affaire, c’est à dire à ceux qui ont trouvé leur exploit trop merveilleux pour le dérober à la publicité. C’est cette publicité, Monsieur le Duc, qui m’oblige de vous soumettre quelques observations à ce sujet.

“ Je dois aux fonctions que je remplis en France de me

trouver en relation avec son Excellence Monsieur le Maréchal de Mac-Mahon, Président de la République.

“ En tout lieu, en tout temps et en toute circonstance, je me ferais un grand honneur de rechercher la société de Monsieur le Duc et de Madame la Duchesse de Magenta.

“ Mais il est vrai aussi que dans la position où je me trouve ma liberté d’y renoncer n’est pas entière.

“ Or il me semble que l’ambassadeur d’Allemagne, engagé à se présenter dans la maison la plus officielle de France, devrait pouvoir compter que les personnes admises en même temps que lui à l’hospitalité du chef de l’Etat soient tenues à ne pas manifester par une attitude d’animosité rancunière et de nonchalance calculée que — pour ce qui les concerne — la paix n’est pas rétablie entre la France et l’Allemagne.

“ Votre Excellence m’a promis de se placer avec moi sur le terrain de nos intérêts communs. Il s’agit de le rendre accessible en écartant des éléments de discorde.

“ C’est sous ce point de vue que je n’ai pu me dispenser d’avoir l’honneur de vous entretenir de l’incident en question.

“ Je ne doute pas qu’avec le tact délicat qui vous distingue vous trouverez moyen de mettre nos rapports personnels à l’abri de petits faits de salon qui, le cas échéant, pourraient avoir une certaine importance en vue de l’endroit où ils se passent.

“ Veuillez agréer, Monsieur le Duc, l’assurance de ma haute considération.

(Signed) “ ARNIM.”

“ A S. Excellence Monsieur le Duc de Decazes.

Versailles.”

"Confidentielle.

"Paris, le 12 Décembre, 1873.

"C'est au moment ou commence mon audience que je reçois, Monsieur le Comte, votre lettre particulière datée d'hier.

"Je ne parviens ni à admettre, ni à comprendre qu'une pareille inconvenance ait pu se produire. C'est, en vérité, Monsieur le Maréchal qui plus que tout autre en serait surtout et directement atteint. Je vais donc l'entretenir de cet incident et prendre ses ordres.

"En attendant Votre Excellence voudra bien agréer avec mes regrets de ce qui ne peut être qu'un malentendu l'expression bien cordiale de ma plus haute considération.

(Signed) "DECAZES."

To these two letters there is little to be added.

By the documents read at the trial it was proved that Marshal MacMahon and Duke Decazes hastened in the most obliging manner to assure the Ambassador that they would do everything to prevent similar occurrences.

But the impression had been spread in Berlin, and even conveyed to His Majesty, that on this occasion Count Arnim had not maintained the dignity of his position. Count Arnim would not even have ventured to bring this *misère* to the knowledge of his Government had not a newspaper article, sent by Herr von Bülow, shown him that Prince Bismarck desired to make a "case" of this affair.

Among other circumstances it would have been found "qu'un incident pareil ne mérite pas l'honneur d'un rapport au Roi."

Cabinets rightly leave it to their agents to secure their

own position, and, as a rule, they reasonably wish, and justly so, to hear nothing about such matters.

But when the attempt of making capital out of trifling things has been resolved upon, the bad practice is adopted of questioning the Ambassadors and Envoys about every kind of gossip.

APPENDIX No. IV.

“ Paris, April 21st, 1874.

“ To Canon Dr. von Döllinger,

“ Very Reverend Sir,

“ The *Norddeutsche Allgemeine Zeitung* a few days ago published a statement made by me in May, 1869, which cannot have escaped your notice. To my regret the aim of this publication would not permit the suppression of passages in which your Reverence's name was mentioned. I therefore feel bound to ask your Reverence's pardon for having in May, 1869, incidentally referred to you in a manner not sufficiently expressive of the profound respect which I entertain for your Reverence. You will the more readily grant me indulgence for the manner in which I then expressed myself should you reflect that in May, 1869, I had not the honour of being known by you. The lately published report of May 14, 1869, is interpreted to show that there is some discrepancy between the views contained there at that time, and the *résumé* which I made in a memorial published by the *Vienna Presse*. I take this opportunity of stating that I did not authorize that publication. I have a copy of the memorial which differs in some parts from the published documents. It

would be merely a playing with words to say that the published part was apocryphal. The alterations were evidently made by the publisher to avoid giving offence to certain persons. But the discrepancy between my views in May, 1869, and June, 1870, is unimportant. In June, 1870, I still laid less stress on the dogma than on the manner in which it was to be promulgated. Had the German bishops in the first instance declared infallibility to be a theory—the acceptance of which would of course be a matter of practical indifference,—the Government would probably not have interfered in this question. But the conduct of the Austro-German bishops in 1869, and during the Council, showed me the bearings of the Papal enterprize. I was convinced that infallibility was to be not merely a costly and empty vessel, destined only to adorn the Vatican, but also that it was a Pandora's box, from which eventually very dangerous ingredients might be scattered over the Christian world. The reproach that between May, 1869, and June, 1870, experience corrected my views, is not unwelcome to me. If I learnt anything in that time I learnt it from the German bishops, who have had the kindness to enlighten me on the consequences of the dogma. Occasion has also been taken to enter upon the utterly fruitless controversy as to whether things would have taken a different turn had an Ambassador been sent to the Council. Who can pretend to decide that question now? I for my part maintain that, if measures had been taken as I intended, the authors of the campaign would have recalled the memory of the hero who went out to conquer the world and returned home because it rained—'*infecta recolle trombe nel sacco.*' I chiefly regret that the deliberations prompted by Prince Hohenlohe did not give rise to more searching discussion. If the rank weeds which grew up during the Council could have been crushed in the bud we should not have found ourselves in the incon-

ceivable confusion of jeopardising everything which for ages seems to have been considered as the common property of Christendom. I beg your Reverence to allow me this opportunity of expressing the profound respect with which I have the honour to be

"Your very obedient servant,

(Signed) "ARNIM."

APPENDIX No. V.

Schlesische Zeitung, No. 197. Breslau, Wednesday,
April 19, 1874.

“Count Arnim and Prince Bismarck *versus* the Council.

“The Vienna *Presse* recently published some of Count Arnim’s documents relating to the Council, which have justly excited universal interest, as they bear surprising testimony to the sagacious views entertained by the Prussian representative at the Curia as to the consequences of the Vatican decrees.

“This publication, whose origin is unknown to us, has caused the publication of a diplomatic correspondence between Count Arnim and his chief, which took place in the years 1869 and 1870, in the *Norddeutsche Allgemeine Zeitung*, evidently at the instigation of Prince Bismarck himself. The *ensemble* of this demonstration has caused so much sensation that it claims our attention on more points than one.

“It may be acknowledged with the greatest respect for our eminent leading statesman that it is very difficult for men who in some matters represent their own opinions to have any official intercourse with him. Prince Bismarck himself has never made it a secret that even in the Ministerial Council he

always claimed "to convince other people" but never allowed himself to be convinced occasionally by others.

"This is evidently avowed in his much-quoted speech of April 16, 1869, in which he rejected the proposal to establish a responsibility of the Imperial Ministers, remarking that to do so would be to bind him hand and foot, and to put him into the leading strings of a Council. Prince Bismarck claims, in some measure, and not unreasonably, an absolute authority in his own sphere.

"Having already not unfrequently felt cramped by the deference due to the highest person in the State, by the views of Foreign Cabinets, by public opinion and parliamentary representatives, he is little inclined to give much heed to the individual convictions of his official organs. Whoever will not resign his right of personal opinion to his all-powerful chief must fall: such is the inevitable destiny, which unfortunately awaits even the best abilities. According to the testimony of these publications Count Arnim seems not to have escaped a like fate; but it is to be hoped that Germany will not be deprived for ever of the powers of this far-seeing statesman.

"Whoever values these documents, not only in an historical but also in a physiological point of view, must bear in mind not merely their contents, but also their dates, and above all the order of their publication.

"The documents first published by the *Vienna Presse*, especially Count Arnim's so-called Memorandum, justly excited universal attention in the political world. Admiration was felt for the statesman who even during the progress of the Council had set forth, in the most exact manner, what would and must follow if the German Episcopate should 'succumb through its conscientiousness and also its diffidence, and ignorance of the character of the enemy:' long vacations, expulsion of the

Jesuits, restricting of individual freedom in regard to monastic institutions, prohibitions as to the education of young clericals in Rome, &c., in short a so-called condition of sufferance of the Church, and all that 'not only in countries whose Sovereigns are Protestants.' This first published Memorandum bore date June 17, 1870, consequently the concluding period of the Council.

"This was followed about ten days later by the publication in the semi-official *Norddeutsche Allgemeine Zeitung* of three despatches containing instructions from Prince Bismarck, which, according to their dates, reach much further back.

"The first of these, dated May 26, 1869, contains a very judicious refusal of the proposal broached shortly before by Count Arnim of sending so-called 'orators' to the Council as representatives of the States. Against Count Arnim's practical point of view Prince Bismarck advocated a purely theoretical one.

"The decrees of the Council of Trent having no legal validity in Prussia, the latter was obliged to take no steps that would imply a recognition of the Vatican:—'The participation of a State in a Council rests on grounds quite foreign to and no longer existing for us—on a relation between Church and State belonging to the past, which only had any meaning while the State regarded the Catholic as the only and universal Church.' As regards Prussia, both constitutionally and politically, there is but one view to be taken, which is: the entire freedom of the Church in ecclesiastical matters, and the decided rejection of any claims and transgression on its part in the political domain of the State. To send 'orators' would be lending a hand towards the blending of these two standpoints which the State could not allow. Bismarck's political intelligence is undoubtedly more clearly perceptible in this reasoning than that of the North German Ambassador at the Curia.

"The second of these simultaneously-published despatches is dated January 5, 1870. Prince Bismarck was in the main faithful to his intention of taking no direct part in the Council; however, he instructed Count Arnim to keep within the ken of the bishops of the Opposition, to encourage them, and to give them a prospect of the support of the Government in case they should afterwards suffer persecution from Rome. The intentions of the Curia were very well known at the beginning of 1870; no one doubted any longer that the great aim in view was the proclamation of Infallibility; but the weakness of the Opposition had at the same time also been clearly demonstrated. When it had succeeded in defeating the proclamation by acclamation, it entertained the hope of being able to postpone and finally abandon altogether the portentous question, and therefore laid special stress on the inopportunity of the proclamation of Rome's desired dogma.

"The third of the three despatches published by the *Nord-deutsche Allgemeine Zeitung*, dated March 13, 1870, gives ample proof that the Governments of the North German Confederation regarded this weak effort with sympathy, but with the firm determination not to interfere openly. 'The bishops must settle with their consciences how far they will or can go in this defence of their rights, the Governments can only go as far as the bishops go themselves. Should we wish to go further and undertake to guide them, or only even to invite them to take certain steps, we should find ourselves on ground on which the Curia would have the advantage of us. The Catholic Church of Germany is represented, as far as we are concerned, by its Episcopate, to which we are ready to give powerful protection as soon and for as long as they shall desire it. But actual action in Church matters we must leave to the Episcopate; we can only act when the consequences are likely to affect the outer world. By a premature interference we

should only confuse the consciences and make the position of the bishops more difficult.'

"Nothing indeed can be said against all these publications—both sides had their justification. As for ourselves, we confess readily, to having more sympathy for that which expresses Bismarck's instructions, but it ought to have resulted in a legislation realising in the highest degree the principle of individual religious freedom—a legislation which separates Church and State as far as seems permissible with respect to the real factors with which practical policy has to deal. According to this view, a series of liberating laws (abolition of compulsory baptism, introduction of civil marriages, emancipation of schools from hierarchical authority) should have taken precedence of all so-called ecclesiastical laws. But since the authorities of the State gave the preference to a concrete interference in the domain usurped by the Church to a settlement of principles, the more practical views of Count Arnim, which gradually identified themselves with those which Prince Hohenlohe elucidated in his celebrated circular despatch of the 9th April, 1869, obtained a greater and more important significance.

"Earlier than all other statesmen, earlier than most of the bishops not initiated in the plans of the Curia, earlier than the large mass of the Catholic people, had Prince Hohenlohe foreseen that the only dogmatic matter which it was desired in Rome should be decided by the Council, namely, the personal Infallibility of the Pope, was of a highly political character, and that its solution in the sense of the Curia would be decisive, *ab initio*, for all questions of a mixed character relating to the established Church.

"Prince Hohenlohe's proposition, therefore, was that the Governments should take precautionary measures in order not to be without remedy afterwards, and to come to an agreement as to a common and uniform course of action in this respect,

in order to restrain the Curia from adopting extreme steps.

“Notwithstanding the publication of the last-mentioned despatches of Prince Bismarck, by which the inoffensive tendency of the Prussian Government is established in a gratifying manner, the sympathies which Count Arnim had awakened by his Memorandum published in the *Vienna Presse* remained unaltered. People felt that Prince Bismarck’s theoretically perfectly justified principle of non-intervention had not, after all, had the desired effect; and it was admitted that Count Arnim had shown greater foresight in this respect than his chief. This reputation could not be allowed to attach to Count Arnim; for the purpose of crushing it, the semi-official press was at once set in motion to do service. About the middle of April the *Norddeutsche Allgemeine Zeitung* published an article which raised suspicion as to the genuineness of Count Arnim’s famous Memorandum, which it stigmatized as apocryphal, bringing forward a despatch which was to prove that Count Arnim was by no means the far-seeing statesman he was supposed to be since the publication of that Memorandum; and that especially he was not an admirer of Prince Hohenlohe and his adviser, Canon von Döllinger. The publication of this despatch had no political interest, but the tendency of the proceeding was obvious. This despatch—the last that was published by the semi-official prints—is, as regards its date, the oldest (14th May, 1869). It belongs to a time when also Count Arnim did not see things clear, and for the following reasons :—

“He whose office it would have been to explain and support the views advanced by Prince Hohenlohe, the former Bavarian Ambassador in Rome, Dr. von Sigmund, counteracted, in the most direct manner, the views of his chief. Dr. von Sigmund, a man of great self-consciousness, but not corresponding

sagacity, was completely captivated by the views of the Curia. He therefore also circulated the calumny, originating with Cardinal Reisach, that it was Dr. Döllinger who spoke in Prince Hohenlohe's despatch, and who (i.e. Dr. Döllinger) made opposition solely from disappointed ambition. The influence of such erroneous ideas in the letter of 14th May, 1869, is undeniable. Count Arnim submitted the personal opinions he held 'at that time' regarding Prince Hohenlohe and Dr. Döllinger to Prince Bismarck, with unfeigned candour and that confidence which is always justly entitled to discretionary treatment. The unabridged publication of that letter, which the article in the *North German Gazette* made political capital of in a most repugnant manner, offended every right-thinking man. The significance, however, of that which Count Arnim had expressed in his Memorandum, composed more than a year afterwards, could scarcely be weakened thereby in the eyes of intelligent readers.

"Of course, Count Arnim could not remain silent in face of this malignant publication. In a letter to Dr. Döllinger, recently published, the late German Ambassador at Paris apologised, with the assurance of his esteem, if certain passages 'unfortunately not suppressed because of the intention of the publication,' should have grieved him. He likewise asserts that only hypercriticism could call the Memorandum apocryphal, and declares that he had only gradually, guided by what the course of the proceedings of the Council divulged, arrived at the conviction to which he (more than a twelvemonth later) had given utterance in that Memorandum, namely, 'If I have learnt anything during that time, I am mainly indebted for it to the German Bishops, who had the kindness to enlighten me in regard to the consequences of the dogma. . . . Most of all do I regret that the deliberations suggested by Prince Hohenlohe have not resulted in more deliberate negotiations.

If it had been possible to nip in the bud the rank weeds which have been reared by the Council, we should not to-day find ourselves entangled in the inconceivable perplexities which jeopardise pretty nearly everything which in the course of ages seemed to have become the common property of Christianity.'

"Count Arnim by no means boasts of the sagacity for which credit is given him everywhere, with which he correctly appreciated and explained to his Government the full significance of the resolutions of the Vatican, when it was yet time to anticipate them in Prince Hohenlohe's sense. His whole letter is written in a dignified but modest style, and does not contain the least reproach against his superior and Chief for Foreign Affairs. Nevertheless, there is no doubt that with this letter to Dr. Döllinger the cloth is completely rent asunder between Prince Bismarck and Count Arnim. Whoever has more closely followed the publications in the semi-official press cannot be in any doubt—as far as regards the personal question in the whole affair—to whose side the sympathies in this dispute must incline. We must not, however, saddle upon Prince Bismarck, who since the last publication of the *North German Gazette* is still confined to his bed as an invalid, those things which, perhaps, only his Chief of the Press Bureau is responsible for." . . .

The last paragraph might require contradiction. That, however, is not the object of this work. Moreover, it would be high time to renounce the method which has become habitual to find always a "scapegoat" in order to screen him who is really responsible.

Who was it who last spring caused the article "War in Sight!" to be sent to the *Post* in Berlin?

Who are the "Jews" who invented this war rumour, for the purpose of speculating on the *baisse*?

Who is the "military party" who urged the Emperor on to war, and who had nearly by a hair's breadth dragged the pacific Chancellor along with them?

There is no "military party" in Germany.

Who permitted the semi-official sycophants during eight weeks to apparently encourage the insurrection in Herzegovina and Bosnia, although all the world knew that the language of these papers might give cause to "misconstructions?"

How is it that the *Times*, whose Berlin correspondent, Herr Abel, is in very intimate relation with the Foreign Office, was at the same time enthusiastic for Bosnia's independence?

For God's sake, let us guard against either creating or tolerating irresponsible positions.

His Majesty the German Emperor was this spring graciously pleased to say to M. de Polignac at a ball at Prince Hatzfeld's:

"On a voulu nous brouiller—maintenant tout est arrangé."

"Qui est cet 'on,' Sire?"

If it is not allowed to saddle on Prince Bismarck's shoulders what perhaps his Chief of the Press Bureau is alone responsible for, there still remains that question to be answered:—

"Has Prince Bismarck disavowed the Chef de Bureau de la Presse?"

Evidently not. For in spring, 1874, the very same "Chef" conducted the campaign against Count Arnim, who in the spring of 1875 put on the stage the episode "War in Sight!"

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